

MINISTRY OF TRANSPORTATION AND INFRASTRUCTURE

Highway 1 – Jumping Creek to MacDonald Snowshed Project Request for Proposals

Report of the Fairness Reviewer

INTRODUCTION

I was retained as Fairness Reviewer for the Highway 1 – Jumping Creek to MacDonald Snowshed Project (the “Project”). My mandate is to act as an independent observer with respect to fairness of 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. The Project team has now completed evaluation of Submissions as described in the Project’s Request for Proposals (the “RFP”). This is my final report.

RFP PROCESS

The RFP was issued in fall 2023 to the Proponents selected through the RFQ process. The RFP included detailed requirements for the Technical and Financial Submissions required from Proponents; 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 covering a variety of topics of concern to Proponents.

I was invited to all meetings between the Project team and Proponents, and I attended most of them as I considered necessary to form the basis of this report. I reviewed all written communications between the Project team and Proponents throughout the competitive selection process, including requests for information and replies, and requests for clarification related to Proposals. I had full access to Proposals during the evaluation.

I was satisfied that all written communications and meetings were conducted in accordance with the RFP. I was also satisfied that all Proponents had equal access to the same information, and received equal quality of engagement and feedback from the Project team.

EVALUATION MANUALS

Before receipt of the any Submissions, the Project Team prepared a detailed Evaluation Manual for use by all members of the evaluation team. I had the opportunity to comment on the Evaluation Manual before it was released to evaluators, and was satisfied that it described a reasonable basis for evaluation of Submissions, consistent with the RFP.

The Evaluation Manual set out:

- procedures for receipt of, and 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 Submissions
- methods for communicating with Proponents in relation to the evaluation
- worksheets to assist evaluators to consistently record observations and conclusions

and other matters.

PROPOSALS

All of the Proponents filed both Technical and Financial Submissions prior to the deadlines for each as 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 team evaluating Proposals, to ensure evaluators were free of bias with regard to Proponents.

EVALUATION

Each Submission was reviewed by teams of evaluators with expertise in various aspects of the subject matter covered, and by all members of the Evaluation Committee. During the evaluation, I had full access to the Submissions. I was invited to all meetings at which evaluation processes occurred, including meetings of the evaluation teams, meetings between evaluation teams and the Due Diligence Committee and/or the Evaluation Committee, and meetings of the Evaluation Committee with and without the Due Diligence Committee. I attended most of these meetings.

Each evaluation team recorded its consensus conclusions in the form of a written worksheet, which that team reviewed with both the Due Diligence Committee and the Evaluation Committee. The Evaluation Committee discussed the Proposals and considered the recommendations from all the evaluation teams, before coming to its own conclusions on the final outcome in accordance with the Evaluation Manual. The Due Diligence Committee met with the Evaluation Committee to review the process, rationales for conclusions, and the work product.

I observed that:

- Before commencing work, all evaluation participants received an orientation to the Evaluation Manual, including evaluation procedures and standards, and my role.

- Periodically during their work, evaluation participants discussed various matters set out in the Evaluation Manual, including issues as to consistency and fairness.
- All participants were familiar with the relevant aspects of Submissions, and participated appropriately in meetings.
- Clarification questions were asked of Proponents as the Evaluation Committee considered necessary, following the procedures set out in the Evaluation Manual.
- The evaluation results represented the consensus of the entire Evaluation Committee, based on thorough consideration of the Submissions.

Based on my observations, I am satisfied that the final recommendation of the Evaluation Committee as to the Preferred Proponent is 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, June 11, 2024

A handwritten signature in blue ink, appearing to read 'J. Shackell', written in a cursive style.

Jane Shackell, KC
Fairness Reviewer