

BC MINISTRY OF TRANSPORTATION AND INFRASTRUCTURE

Steveston Interchange Project RFP Process

Report of the Fairness Reviewer

INTRODUCTION

I was retained as Fairness Reviewer for the Steveston Interchange 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 filed by Proponents in response to the Project’s Request For Proposals (the “RFP”); this is my final report.

RFP PROCESS

The RFP was issued in September, 2021 to the Proponents selected through the RFQ process. The RFP included detailed submission requirements, forms of agreements to be signed by the successful Proponent, a summary of the process and criteria for evaluation of Submittals, and other terms of the competition. I had the opportunity to review and comment on the draft RFP before it was published.

After publication of the RFP, the Project team provided information to Proponents in accordance with processes outlined in the RFP including responding to written requests, and conducting online meetings including workshops and topic meetings. I reviewed all written communications between the Project team and Proponents, and attended most of the meetings. I was satisfied that the Project team conducted these processes in accordance with the RFP, ensuring that all Proponents received equal access to the same information and that Proponents’ enquiries were addressed appropriately.

EVALUATION

All Proponents filed Technical Submittals prior to the deadline specified in the RFP; all three were subsequently invited to, and did, file Financial Submittals again prior to the required deadline. All Submittals were reviewed and evaluated by teams of evaluators with expertise in the subject matter covered by the Submittals. Each team reported its consensus observations and recommendations to the Evaluation Committee. The Evaluation Committee oversaw the evaluation process, and reached its own consensus on all final evaluation results, taking into account the work of the evaluation teams.

Evaluation Manual: Before Submittals were received, the Evaluation Committee approved a detailed Evaluation Manual setting out:

- procedures for receipt of, and access to Submittals;
- procedures for review of evaluators’ relationships to eliminate potential conflicts;
- responsibilities of all participants in the evaluation;

- methods for communicating with Proponents during the evaluation;
- method and procedures for evaluating Submittals;
- worksheets to assist evaluators to record observations and conclusions consistently;

and other matters. I reviewed and commented on the Evaluation Manual in draft, and was satisfied that the final version set out a reasonable basis for evaluation of Submittals, consistent with the RFP.

Closing and Completeness Reviews: I monitored the closing time for Submittals, and confirmed that the Project team followed the processes set out in the Evaluation Manual for receipt and initial completeness review of Submittals.

Relationship Reviews: Before evaluators gained access to Submittals, 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 participated in an orientation at which the Evaluation Committee highlighted various aspects of the Evaluation Manual, including methods for evaluation, standards related to confidentiality and security, consistency, my role as Fairness Reviewer, and other matters.

Evaluation Process: During the evaluation, I had access to the Submittals and the evaluation participants. 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 access to documents outlined in the Evaluation Manual. I talked with the evaluation teams, and participated in the meetings related to evaluation including meetings of the evaluators and the Evaluation Committee, and meetings where conclusions were discussed.

Each evaluation team had access to expert advisors, and the opportunity to obtain clarification from Proponents where necessary. I observed that the processes described in the Evaluation Manual was followed for all communications between the Project team and Proponents.

A Due Diligence Committee and the Evaluation Committee reviewed the work of the evaluation teams and their recommendations. The Due Diligence Committee and the Evaluation Committee tested the process followed and the conclusions reached by the evaluation teams for internal consistency, and grounding in the considerations specified in the RFP and Evaluation Manual. The Evaluation Committee had final responsibility for the outcome of evaluations and for scoring.

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

CONCLUSIONS

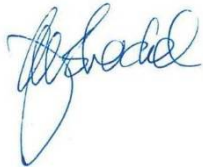
Throughout the RFP process, the Project team ensured that:

- 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 Submittals);
- I had full access to all Submittals, 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, meetings of evaluators and meetings 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, March 2, 2022.

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

Jane Shackell, QC
Fairness Reviewer