



Cowichan Valley School District

**COWICHAN SECONDARY SCHOOL
REPLACEMENT PROJECT**

PROCUREMENT PROCESS

FAIRNESS REVIEWER

FINAL REPORT – RFQ PHASE

October 30, 2020

Cowichan Secondary School Replacement Project
RFQ Procurement Process
FINAL REPORT OF THE FAIRNESS REVIEWER

October 30, 2020

**TO: Project Executive Board,
Cowichan Secondary School Replacement Project**

This report covers the following:

The Project

Fairness Reviewer

Stipulated Procurement Process

Actual Procurement Process

Qualifications

Findings

Respectfully Submitted:



Owen Pawson
Fairness Reviewer

Cowichan Secondary School Replacement Project

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THE PROJECT

The Board of Education of School District No. 79 (Cowichan Valley) (the “School District”) is seeking to enter into a contract with a qualified entity to design and build a new school to replace the existing Cowichan Secondary School, on a site in Duncan, British Columbia (the “Project”). The Project is being procured using a design-build approach. The School District has engaged Infrastructure BC (formerly Partnerships BC) to lead and manage the Project’s competitive selection process.

The Cowichan Valley School District (SD 79) is located in the Cowichan Valley on Vancouver Island, British Columbia. The School District is responsible for 17 elementary and five secondary schools providing quality education to approximately 8,200 students in a predominantly rural area. The existing Cowichan Secondary School was built in 1950 and has had several additions, the latest occurring in 1998. The School District has secured the necessary funding to replace the existing school on a site formerly occupied by municipal baseball fields adjacent to the Cowichan Community Centre, Cowichan Aquatic Centre, and Vancouver Island University (collectively known as Cowichan Place) in Duncan.

The proposed facility is expected to include:

- a new school of approximately 12,200 m² (gross area) including capacity for 1,100 students, grades 10 – 12, with future expansion capability to 1,500 students; and
- a Neighbourhood Learning Centre (905 m²) comprised of:
 - an Innovation and Technology Centre;
 - a Health and Wellness Centre; and
 - an Indigenous Language and Cultural Centre.

The existing school will be retained by the School District to function as swing space for future seismic upgrade projects.

The School District, with the assistance of Infrastructure BC, issued a Request for Qualifications for the Project on July 7, 2020.

FAIRNESS REVIEWER

Owen D. Pawson Law Corporation was retained July 14, 2020 to act as the Fairness Reviewer for the Project. The role of Owen Pawson, of Owen D. Pawson Law Corporation is to observe and monitor the overall fairness of the procurement process.

The general role of a Fairness Reviewer is to act as an independent observer and provide assurance that the processes described in the procurement documents are implemented in a fair manner. A Fairness Reviewer’s report is usually made available to the public subject to the applicable legislative requirements (including the Freedom of Information and Protection of Privacy Act and regulations).

The activities of a Fairness Reviewer are self-determined and include the following:

- provide advice to the Project team on matters of fairness as may be requested by the Project team from time to time;
- be available to Project respondents and proponents to answer queries relating to fairness;

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- provide formal written reports as specific points during the Project competitive selection process;
- review procurement documentation and comment on whether, and the extent to which, the process described may potentially cause a fairness issue;
- observe and/or monitor that considerations, communications, and responses undertaken during the Project competitive selection process are undertaken in accordance with the procurement document terms;
- observe and/or monitor collaborative discussions and meetings;
- observe and/or monitor ad-hoc special topic meetings with the proponents;
- observe and/or monitor the Project request for qualifications and request for proposals evaluation processes; and
- observe and/or monitor relevant meetings where respondent or proponent comparisons are made and the criteria, weighting and rating systems are applied.

STIPULATED PROCUREMENT PROCESS

The RFQ for the Project stipulated that Responses must be received by the stated Submission Time of 11:00 a.m. on September 10, 2020 at the Submission Location (by electronic upload to the Contract Person). The RFQ identified minimum requirements in terms of sufficient financial capacity to undertake the Project. Those requirements were clearly described and required documentary evidence of a Respondent's ability to obtain bonding and insurance for the Project in specific amounts. The evaluation weighting and criteria to be applied was set out in the RFQ.

An Evaluation Manual for the RFQ Stage of the procurement was prepared based on procurement process outlined in the RFQ. The Evaluation Manual was clear that the evaluation was restricted to the information submitted in each of the Responses (and any additional information received in accordance with the RFQ).

ACTUAL PROCUREMENT PROCESS

The RFQ was issued July 7, 2020. A virtual Introductory Project Meeting was held July 22, 2020 to which all interested parties were invited. The Introductory Project Meeting was not mandatory. No fairness issues were raised at the Introductory Project Meeting.

The Submission Time for the Request for Qualifications was 11:00 a.m., September 10, 2020. No Addenda were issued prior to RFQ Submission Time. Six Responses were received. There were no late Responses.

I reviewed procedures and processes with staff assigned to deal with submission and completeness reviews of the Responses to ensure that RFQ requirements were met. The Responses were found to be complete in accordance with RFQ requirements. I am satisfied that there were satisfactory protocols in place for appropriate security and confidentiality of the Responses.

All persons involved in the procurement and evaluation were required to sign a Confidentiality Agreement. They were also required to sign a Relationship Disclosure Declaration and Undertaking in which they were to disclose any relationship they had with the list of corporations and individuals that were identified in the Responses. The signed Relationship Disclosure Declaration and Undertaking forms were reviewed and vetted by a Relationship

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Review Committee. No conflicts of interest or unfair advantage were identified that precluded any member of the Evaluation Teams, the Evaluation Committee or advisors from participating in the evaluation of Responses.

Three Evaluation Teams (Financial Capacity, Design and Design and Construction) were formed and were comprised of School District, Infrastructure BC and representatives appointed by the School District. There were extensive interim and final deliberations undertaken by all three Evaluation Teams. I attended most of the interim and final consensus meetings (all virtual) of the Evaluation Teams and observed that the discussions and review of the Responses were consistent with the evaluation criteria and the evaluation process described in the RFQ. I found that all evaluators were well prepared and contributed vigorously during the consensus deliberations. I observed no indication of partiality or bias during the consensus discussions during the interim and final meetings of the three Evaluation Teams.

Each of the leaders of the three Evaluation Teams presented his or her findings to the Evaluation Committee. The Evaluation Committee considered the responses and the findings and recommendations presented by each of the Evaluation Team leaders, determined an initial scoring of all Responses and determined that interviews with the highest ranked four Respondents would assist with the evaluation of Responses. I attended those deliberations of the Evaluation Committee and found no evidence of bias or unfair advantage during the deliberations leading to the initial scoring of the Responses and the decision to interview Respondents. The conducting of interviews with Respondents was permitted under the RFQ. An evaluation process and scoring matrix for the interviews was established by the Evaluation Committee in advance of the Respondent interviews. I attended and monitored all interviews. The Evaluation Committee conducted the interviews in accordance with the previously established process and scoring matrix. I did not observe any indication of unfairness or bias during the interviews. Upon conclusion of the interviews, the Evaluation Committee met to reach consensus on final scoring of all Responses and to determine a recommendation for the shortlist of three Respondents. I also attended that consensus meeting of the Evaluation Committee. After monitoring the interviews and final consensus meeting of the Evaluation Committee, it is my opinion that the evaluation of the Responses by the Evaluation Committee was properly and fairly conducted and that the evaluation was consistent with the process identified in the RFQ and the Evaluation Manual.

QUALIFICATIONS

My fairness review has been based on my observations and monitoring of: procurement documentation; discussions during the interim and final consensus meetings of the three Evaluation Teams; the consensus meetings of the Evaluation Committee where the scoring recommendations of the Evaluation Teams were considered; the subsequent meetings of the Evaluation Committee during evaluation of the Responses; the interviews of Respondents by the Evaluation Committee; and, the final meeting of the Evaluation Committee that determined the shortlist of three Respondents. I attended most of the interim and final meetings of the Evaluation Teams in which scoring of the Responses took place and all meetings of the Evaluation Committee and all of the Respondent interviews, but I did not review all documents created by every member of the Evaluation Teams or the Evaluation Committee.

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FINDINGS

It is my opinion that the procurement process during the RFQ phase of the Cowichan Secondary School Replacement Project was conducted in a fair manner.

Specifically, based on the Fairness Reviewer activities outlined above including my observations at the interim and final consensus meetings of the Evaluation Teams, subsequent Evaluation Committee meetings, the Respondent interviews and the final consensus meeting of the Evaluation Committee as well as discussions with procurement staff of Infrastructure BC during and after Submission Time for the RFQ, it is my opinion that the entire competitive selection process was conducted fairly and in full accordance with the procurement process described in the RFQ.

I am satisfied that:

- the members of the Evaluation Teams and the Evaluation Committee followed the evaluation procedures described in the RFQ and fairly applied the evaluation criteria and scoring identified in the RFQ; and
- where interpretation was allowed or required, the Evaluation Teams and the Evaluation Committee made interpretations in a fair, unbiased and impartial manner.

I am also satisfied that I have been provided with the appropriate access and information to render this fairness review opinion.

Respectfully submitted,



Owen D. Pawson
Fairness Reviewer

Dated this 30th day of October, 2020