

B.C. MINISTRY OF TRANSPORTATION AND INFRASTRUCTURE

Broadway Subway Project RFQ Process

Report of the Fairness Advisor

Introduction

I was retained as Fairness Advisor for the Broadway Subway 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.

This is my report on the procurement process to date including evaluation of Responses submitted in relation to the Project’s Request For Qualifications (the “RFQ”).

RFQ and Evaluation Handbook

The RFQ was issued in February, 2019, requesting interested entities to submit Responses describing their experience, track record and capability relevant to the Project. The RFQ included details about the Project, the information required, the format for submissions, and a summary of the criteria for evaluation of Responses.

After publication of the RFQ, the Project team held a meeting for prospective Respondents to provide an introduction to the Project and an opportunity for questions. In addition, Project staff answered written questions submitted by potential respondents.

The Project Team prepared a detailed Evaluation Handbook setting out:

- the method for evaluating Responses, with scoring guidelines, procedures and methods
- procedures for receipt of Responses, and security measures for handling of Responses
- procedures for review of relationships of evaluators to identify and manage potential conflicts
- methods for communicating with Respondents during the evaluation

and other matters. I reviewed the Evaluation Handbook and was satisfied that it described a reasonable basis for evaluation of Responses, consistent with the RFQ.

Responses to RFQ

Four Respondents filed Responses to the RFQ by the closing time. I monitored the processes for receipt and initial completeness review and confirmed that the processes set out in the Evaluation Handbook were followed.

A Relationship Review Committee conducted a process to elicit details of relationships among members of Respondent teams, and members of the team evaluating Responses, to ensure that

evaluators were free of bias with regard to any Respondent. I observed that the process established in the Evaluation Handbook for relationship review was followed.

Evaluation

During the evaluation period, I had access to all the Responses and the evaluation premises at all times. I attended at the evaluation premises at various times and observed that the processes described in the RFQ and the Evaluation Handbook continued to be followed. I reviewed all correspondence between the Project team and Respondents. I attended many of the meetings related to the evaluation, including monitoring a selection of the reference checks.

Each Response was reviewed by 8 teams of evaluators (in addition to the Evaluation Committee) with responsibility for specified aspects of the Responses – Respondent Information, ProjectCo, Design-build Contractor, Design Contractor, Systems Integration/Configuration, Tunnel Contractor, Indigenous Participation / Apprenticeships / Training & Development, and Financial. Members of each evaluation team had appropriate expertise to evaluate the material assigned to them. The teams had appropriate resources for their review, including meeting rooms, electronic equipment, and access to expert advisors. The evaluation teams provided analysis on the features of each Response that related to their assigned area. Each team's comments and recommendations consisted of the consensus view of all the team's members.

Before finalizing recommendations, each of the evaluation teams met with a Due Diligence Committee, which tested the processes followed by the teams, the rationales for conclusions, and the work product. The Evaluation Committee also met with the evaluation teams, and satisfied itself as to each team's methods, rationales, and outcomes.

I observed that:

- Before commencing work, all evaluation participants received an orientation to the Evaluation Handbook, including evaluation procedures and standards, and my role.
- Periodically during their work, evaluators discussed various matters set out in the Evaluation Handbook, including issues as to consistency and fairness.
- All evaluators were familiar with each of the Responses, such that each member could discuss and comment on details of the Responses in meetings.
- Clarification questions were asked of Respondents as the Evaluation Committee considered necessary, following the procedures set out in the Evaluation Handbook.
- Reference checks were conducted in accordance with pre-determined procedures including consistent questions to referees.
- Due Diligence Committee members were thorough in their questioning and testing of conclusions reached by the evaluation teams, and the teams appropriately considered feedback received on their work.
- Each of the evaluation teams reached consensus on the recommendations of that team to the Evaluation Committee.

- Scoring results represented the consensus of the entire Evaluation Committee.

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 RFQ and the Evaluation Handbook.

Conclusion

The Project team has occasionally sought my advice on specific questions. I have also 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 RFQ have been reasonable, and have been fairly implemented by the Project team.

Signed and dated at Vancouver, June 6, 2019.

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

Jane Shackell, QC
Fairness Advisor