

TRANSPORTATION INVESTMENT CORPORATION

Surrey Langley Skytrain Project: Guideway Contract

RFQ Process

Report of the Fairness Reviewer

Introduction

I was retained as Fairness Reviewer for the Surrey Langley Skytrain Project including the Guideway Contract (the “Project”). My mandate is to act as an independent observer with respect to fairness 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 process (the “RFQ”).

RFQ and Evaluation Handbook

The RFQ was issued in August, 2022, requesting interested persons to submit Responses describing their experience, track record and capability relevant to the Project. The RFQ included general information about the Project, details of the information required, the format for submissions, and a summary of the criteria for evaluation of Responses. I had the opportunity to review and comment on the RFQ before it was published.

After publication of the RFQ, the Project team held a meeting for prospective Respondents to provide an introduction to the Project, describe the intended process, and offer an opportunity for prospective Respondents to ask questions. During the RFQ period, Project staff answered written questions submitted by potential respondents.

Before the closing time for Responses, the Project Team prepared a detailed Evaluation Handbook setting out:

- 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
- the method for evaluating Responses, with scoring guidelines, procedures and methods
- the form of worksheet to be used by evaluators to enhance consistency of approach by all evaluators

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

Responses

I monitored the closing time 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

Each Response was reviewed by teams of evaluators with responsibility to evaluate specified aspects of Responses: Transmittal Information; Project Co; Design; Construction; Indigenous Opportunities, Apprenticeships, Training and Development; and Financial Capacity. Members of each evaluation team had appropriate expertise to evaluate the assigned material, and had access to appropriate resources including expert advisors.

Each evaluation team prepared a summary sheet setting out their recommended rating of each Response, with rationale. Each team's final recommendations consisted of the consensus view of the team's members.

In the process of finalizing their summary sheets, each evaluation team met with the Due Diligence Committee, and then with the Evaluation Committee to present their summary sheets and discuss the processes followed, the rationales for conclusions, and the work product. Each team appropriately considered feedback received from the Due Diligence Committee and the Evaluation Committee.

The Evaluation Committee itself reviewed the Responses, and took into consideration the recommendations of the evaluation teams before finalizing scores for all Responses. The Evaluation Committee itself met with the Due Diligence Committee to discuss the conclusions before the Evaluation Report was finalized.

During the evaluation period, I had access to the Responses and the evaluators. I reviewed all correspondence between the Project team and Respondents. I was invited to all meetings of the evaluation teams at which scoring and ranking of Responses were discussed, and I attended most of those meetings. I observed that:

- Before commencing work, all evaluation participants received an orientation to the Evaluation Handbook, including evaluation procedures and standards.
- 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. All evaluation team members participated fully in consideration of recommendations on all Responses.
- Clarification questions were asked of Respondents as the Evaluation Committee considered necessary, following the procedures set out in the Evaluation Handbook.

- 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 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, December 5, 2022

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

Jane Shackell, QC
Fairness Reviewer