

BC MINISTRY OF TRANSPORTATION AND INFRASTRUCTURE

Highway Reinstatement Program: Highway 1 Category B Projects RFP Process

Report of the Fairness Reviewer

Introduction

I was retained as Fairness Reviewer for the Highway Reinstatement Program. My mandate is to act as an independent observer with respect to fairness of the Project's competitive selection processes, and report to the Project Board.

This is my report on the Project's Request For Proposals process (the "RFP") process for the Highway 1 Category B Projects, including evaluation of Submissions.

RFP

The RFP was issued in June, 2022 to five Proponents selected through the Project's RFQ process. The RFP included detailed submission requirements, 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 Proponents in accordance with processes outlined in the RFP. This included issuing and responding to written communications, and conducting workshops and other meetings with Proponents.

I was invited to all meetings with Proponents, and attended most of them. I reviewed all written communications with Proponents, including requests for information and replies.

I was satisfied that the Project team conducted all written communications and all meetings in accordance with the RFP. I was also satisfied that both Proponents had equal access to the same information, had equal opportunities during scored meetings to present their teams and skills, and received equal quality of engagement and feedback from the Project team.

EVALUATION MANUAL

At the outset of the competitive selection process, the Project Team prepared a detailed Evaluation Manual and scoring guidelines to cover scored meetings, as well as the Submissions required under the RFP. The Evaluation Manual set out:

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

and other matters. I had the opportunity to comment on the draft Evaluation Manual, and was satisfied that the final version described a reasonable basis for evaluation of meetings and Submissions, consistent with the RFP.

PROPOSALS

All Proponents filed Submissions prior to the deadlines 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 evaluation team, to ensure evaluators were free of bias with regard to Proponents.

EVALUATION

The Evaluation Committee assessed each scored meeting, with input from advisors with appropriate expertise. I was invited to all, and attended most, of the meetings at which scoring was discussed. I observed that Evaluation Committee members discussed and reached consensus on their observations and scoring, all in accordance with the Evaluation Manual.

Submissions were reviewed by teams of evaluators with expertise in the subjects covered by Submissions. The teams reached consensus on their observations and recommended ratings. Before finalizing their conclusions, the evaluation teams met with a Due Diligence Advisor who tested the consistency of their work, and with the Evaluation Committee. Evaluation Committee members also reviewed the Submissions.

I had full access to the Submissions, and was invited to all meetings of the evaluation teams and of the Evaluation Committee at which Submissions and scoring were discussed. I attended most of those meetings. I observed that the evaluation teams and the Evaluation Committee discussed the Submissions in detail, and reached consensus as to observations and final scores, all in accordance with the Evaluation Manual.

I observed that:

- Before commencing evaluation work, all evaluation participants received an orientation to the Evaluation Manual, including evaluation procedures and standards, and my role.
- All participants were attentive in scored meetings and familiar with the Submissions, and participated appropriately in evaluation meetings.
- The final results represented the consensus of the Evaluation Committee, based on thorough consideration of the scored meetings and Submissions.

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 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, September 24, 2022

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

Jane Shackell, QC
Fairness Reviewer