

# ABBOTSFORD LAW COURTS PROJECT

## RFQ Process

### Report of the Fairness Advisor

#### Introduction

I was retained as Fairness Advisor for the Abbotsford Law Courts Project (the “Project”). My mandate is to act as an independent observer of the procurement and report to the Project Executive Board regarding whether the Project team has fairly implemented the competitive selection process in accordance with the Project documents.

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 Manual

The RFQ was issued in March, 2017, inviting interested parties to submit Responses describing their experience and capability relevant to the Project. The RFQ included general information about the Project, details of the information required from Respondents, the format for submissions, and a summary of the criteria for evaluation of Responses. I had the opportunity to comment on the RFQ before it was published.

After issuance of the RFQ, Project staff held an introductory meeting for interested parties, and also answered questions submitted electronically by potential respondents. I observed that the meeting and subsequent information process were handled in a manner consistent with the RFQ.

Prior to receipt of any responses to the RFQ, Project staff produced a detailed Evaluation Manual setting out:

- details of the structure of the evaluation team, including role descriptions for all participants
- administrative procedures for receipt of Responses, initial completeness review, security measures for access to Responses (including confidentiality agreements with all persons who would have access to the Responses) and other matters
- procedures for review of relationships of the evaluators to eliminate potential conflicts
- methods for communicating with respondents during the evaluation
- the method and standards for evaluating Responses, and a due diligence process for review of the conclusions of evaluators
- worksheets for each evaluation team indicating how responses were to be evaluated

and other matters. I reviewed and commented on the Evaluation Manual before it was provided to evaluators; I was satisfied that the final version formed a proper basis for evaluation of Responses, consistent with the RFQ.

## Responses to RFQ

I monitored the closing time for receipt of Responses, and confirmed that the processes set out in the Evaluation Manual were followed with respect to receipt of Responses, initial completeness review, and subsequent review of Responses.

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 Respondents. I observed that the processes established in the Evaluation Manual for relationship review and confidentiality agreements were followed.

## Evaluation

The Project team conducted an orientation process for all participants in the evaluation before receipt of the Responses, which I attended. The orientation included review of highlights of the Evaluation Manual and the worksheets, the procedures to be followed by evaluators, and standards to be applied to Responses. The orientation included specific discussion of issues related to fairness in the process.

In addition to review by the members of the Evaluation Committee, each Response was reviewed by Evaluation Teams with responsibility for certain aspects of the Responses: Respondent Team Lead, Design and Construction, Service Provider, and Financial Capacity. During the evaluation, I had access to all the Responses. I was provided copies of all correspondence between the Project team and Respondents, and was invited to attend meetings of all evaluation teams. I reviewed all of the correspondence, and attended a selection of meetings of the Evaluation Teams and meetings of the Evaluation Committee, and meetings at which rankings and recommendations were discussed and agreed.

The Evaluation Teams had appropriate expertise to evaluate the material they were to consider, and were provided appropriate resources for their review, including access to expert advisors. The Evaluation Teams held detailed discussions regarding each response, to arrive at consensus recommendations for the Evaluation Committee using the worksheets provided in the Evaluation Manual.

The Evaluation Committee met with the Evaluation Teams to review their recommendations, and satisfied itself as to each team's methods and rationales, consistency of approach among all the teams, and conformity of recommendations with the evaluation criteria set out in the RFQ. The Evaluation Committee carefully considered the recommendations of the Evaluation Teams, but conducted its own evaluation as described in the Evaluation Manual.

I observed that:

- Periodically during their work, evaluators discussed and instructed themselves in the standards required by the RFQ and the Evaluation Manual, including issues as to consistency and fairness.
- All evaluators were familiar with each of the Responses, and each member participated fully in discussion and scoring of each of the Responses.

- Each Evaluation Team reached consensus with regard to its recommendations to the Evaluation Committee.
- Scoring results represented the consensus of the entire Evaluation Committee.

I am satisfied that the final rankings for all Respondents are properly based in the requirements and measures described in the RFQ and the Evaluation Manual.

### **Conclusion**

The Project team 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 that the Project team has fairly implemented the procurement processes in accordance with the Project documents.

Signed and dated at Vancouver, June 9, 2017.

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

Jane Shackell, QC  
Fairness Advisor