

Report of the Fairness Advisor on the Selection of Qualified Candidates after the Request for Qualifications for BC Cancer Agency's Centre for the North Project, a Project of BC Cancer Agency and Provincial Health Services Authority assisted by Partnerships BC.

1. Introduction

(a)

The Fairness Team

ADR Chambers Inc. was selected as the Fairness Advisor through a competitive selection process. Hon. Roger Kerans, Hon. Ben Casson, QC, and Barry Vogel, QC, were designated as the team for this task.

(b)

General Comments

First, let us emphasize what is **not** the task of the fairness advisor. The task is not to establish the selection procedures, not to make or suggest the selection, and not to offer legal opinions about the duties of anybody in the process. The task rather is to offer an assessment about the procedures established by the RFQ and the carrying out of those procedures by Partnerships BC, BC Cancer Agency, and the Provincial Health Services Authority. Our task was to assess whether the procedure, in its design and in its execution, was one that reasonable and well-informed people would consider to be fair. It is beyond our capacity and our task to investigate any possible criminal behaviour, or breaches of confidentiality or non-disclosed conflicts of interest that in any way might affect or appear to a reasonable person to affect any decisions made.

c) Consultative Role

Our contract provides that we may be consulted about proposed actions by Partnerships BC, BC Cancer Agency, and the Provincial Health Services Authority. This often happened, but we limited our comment to what we might say about a proposed course of action in a public report, or to point out what a Respondent may argue.

2. The Request for Qualifications

The formal Request for Qualifications (RFQ) followed what is now a well-known form. Its method of circulation offered a reasonable opportunity to the construction industry to seek qualifications. Its terms offered a fair and reasonable opportunity to the Respondents to be assessed as to their qualifications. The RFQ spelled out a schedule for the preparation and evaluation of the Submissions, which was changed later to accommodate requests by Respondents and others. Requests were dealt with reasonably, and a reasonable schedule was offered. We have had an opportunity to review all of the material pertinent to the process, which included the RFQ, the Submissions, the qualification of the Evaluation Teams, the Evaluation Manual, the reports of the Evaluation Teams, and other documents pertaining to the process.

3. Compliance with requirements of RFQ

a) Communications

The RFQ provided for communication by email only. This term is, in this age, fair and reasonable. The RFQ named Dawn Hart as Contact Person, and she forwarded email to the appropriate officer and had a process that, when appropriate, gave limited access to confidential communications. The Team had an opportunity to review all email, and found Submissions were reasonably prompt and appropriate. We are pleased to report that no Respondent in these communications sought any improper advantage, and none was given. There were no confidential communications. There were no requests for clarification from Respondents.

b) Receipt of Submissions

Four Submissions were supplied, all in a timely fashion, and were accepted as being in compliance with technical requirements.

c) Evaluation Manual

We reviewed the manual as it was revised. It offered a reasonable and fair basis for selection, and honored the terms of the RFQ.

d) Evaluation Team The membership in the Team and the method of operation complied with the RFQ.

e) Evaluation.

We monitored the Evaluation Team at work, and noted a special effort to comply with the terms of the RFQ. The evaluators seemed to take reasonable care and consideration, and there was no discouragement of dissent. Nor was there any bullying or lobbying, or any hint of a careless approach, undue influence, collusion or bias. When assessment pertained to specific individuals in a Respondent Team, there was discussion of past personal experience, and comment was to the point. (This sort of assessment is appropriate and in keeping with the intent of the RFQ so long as there is no conflict of interest and concerns expressed are reasonable, as they were.) In the end, all members of the Committee agreed with each assessment.

The Evaluation Team decided that it did not require any interviews nor clarifications before making a decision, and this was reasonable in the circumstances. It recommended that three of the four Respondents receive the RFP.

In sum, the Evaluation of the Submissions met the criteria of fairness, openness, transparency and integrity. We congratulate all members of the Evaluation Team for the high degree of professionalism displayed throughout.

f) Avoidance of Conflicts

Appropriate officers, agents, and employees of Partnerships BC, BC Cancer Agency, the Provincial Health Services Authority, and all Respondents were invited to complete the Relationship Declaration Form provided in the RFQ. Under the terms of the RFQ, the Conflicts Adjudicator and Partnerships BC were to deal with any apparent conflicts, which they did in a fair and reasonable way.

g)

Steering Committee

We also monitored the meeting of a “steering committee” comprised of officials named to make a final decision about approval under the RFQ on behalf of Partnerships BC, BC Cancer Agency, and the Provincial Health Services Authority. They discussed the Evaluation Report and unanimously accepted the recommendation of the Evaluation Team.

ADR Chambers, Inc.

Roger Kerans