

APPENDIX A EVALUATION OF PROPOSALS

The Province will evaluate the Proposals in accordance with this Appendix A.

1. TECHNICAL SUBMISSIONS

Subject to the terms of this RFP, including Section 7.1 [Mandatory Requirements] and Section 7.2 [Evaluation of Proposals], the Province will evaluate each Technical Submission to determine whether the Province is satisfied that the Technical Submission substantially meets the following requirements:

- (a) the provisions of this RFP, including the requirements set out in:
 - (1) Appendix B of this RFP; and
 - (2) the Final Draft Project Agreement;
- (b) demonstration that the Proponent has a good understanding of the Project and the obligations of Project Co under the Project Agreement; and
- (c) demonstration that the Proponent is capable of:
 - (1) performing the obligations and responsibilities of Project Co; and
 - (2) delivering the Project in accordance with the Project Agreement.

If the Province is not satisfied that the Technical Submission substantially meets the above requirements, the Province may reject the Proposal and not evaluate it further.

The Province will also evaluate and score each Technical Submission against the criteria described in Table 1 of this Appendix A. Table 1 describes these criteria and indicates the maximum points available for each criterion and the weighting of each sub-criterion where applicable. Where weightings are not indicated, sub-criterion will be weighted equally.

Points will be awarded for how effectively the Proposal responds to the design requirements set out in Schedule 3 [Performance Specifications] of the Project Agreement in a manner consistent with the evaluation considerations described in Table 1.

Table 1 – Scored Elements Evaluation Criteria and Weighting

Related Section in Appendix B	Criteria	Points
4.1	<p><u>Creating an Exceptional Law Courts Design</u></p> <p>Extent to which the design demonstrates a law courts building with visibility among all functions and services, acknowledging hierarchy appropriately, and encompasses diverse means and spaces for the various users.</p> <p>The Province will consider how effectively the design responds to:</p> <ul style="list-style-type: none"> ▪ Design Value 1 – Supporting Justice ▪ Design Value 2 - Symbolism ▪ Design Value 3 – Safety and Security ▪ Design Value 4 - Accessibility ▪ Design Value 5 – Community Impact <p>In evaluating, the following will be considered:</p>	24
4.1.1	<p>VISUAL & SPATIAL REQUIREMENTS – Max 12 Points</p> <ul style="list-style-type: none"> ▪ The design expression and resulting impression of the interior of the building reflects the intent and goals of supporting justice ▪ The design optimizes functionality on a daily and peak usage basis ▪ The design maximizes intuitive way-finding without reliance on signage 	
4.1.2	<p>HORIZONTAL & VERTICAL CONNECTIVITY – Max 12 Points</p> <ul style="list-style-type: none"> ▪ Locations and adjacencies of programmed spaces are efficient and effectively relay: <ul style="list-style-type: none"> ▪ public accessibility and non-accessibility as appropriate ▪ inter-departmental relationships as required 	
4.2	<p><u>Current and Future Flexibility</u></p> <p>The extent to which the overall design (technology, structure, architecture, mechanical and electrical systems) support adaptation, flexibility, and the reworking of spaces in line with the evolving demands of the justice system.</p> <p>The Province will consider how effectively the design responds to:</p> <ul style="list-style-type: none"> ▪ Design Value 6 – Functionality ▪ Design Value 7 – Adaptability <p>In evaluating, the following will be considered:</p>	35

Table 1 – Scored Elements Evaluation Criteria and Weighting

Related Section in Appendix B	Criteria	Points
4.2.1	<p>FUTURE FLEXIBILITY & ADAPTABILITY– Max 26 Points</p> <ul style="list-style-type: none"> ▪ The extent to which the design is able to facilitate future change and repurposing with the least possible cost and disruption to services ▪ Proposed systems rely upon proven, scalable technologies, that can support changes to court programming over time ▪ Proposed systems are highly adaptable, providing maximum flexibility and integrity with minimal disruption to services 	
4.2.2	<p>PROGRAMMED AREA OPTIONS – Max 9 Points</p> <ul style="list-style-type: none"> ▪ Demonstrates the ability to optimize use of programmed areas to temporarily accommodate other uses such as jury selection, specialized hearings and similar infrequent activities ▪ Having the ability to reconfigure courtrooms in the future, such as relocating the clerk’s bench and the accommodation of new technological resources ▪ Demonstrating that two new courtrooms can be added in the future with minimal costs and impact to ongoing operations 	
4.3	<p><u>Architecture and Urban Design</u></p> <p>Intended to address the creation of a unique identity, including its fit with the civic neighbourhood and service to a range of users.</p> <p>The Province will consider how effectively the architecture and urban design respond to:</p> <ul style="list-style-type: none"> ▪ Design Value 1 – Supporting Justice ▪ Design Value 2 – Symbolism ▪ Design Value 5 – Community Impact <p>In evaluating, the following will be considered:</p>	15

Table 1 – Scored Elements Evaluation Criteria and Weighting

Related Section in Appendix B	Criteria	Points
4.3.1	<p>DYNAMIC IMAGE REFLECTING THE GOALS OF SUPPORTING JUSTICE – Max 7 Points</p> <ul style="list-style-type: none"> The design expression and resulting impression of the exterior of the building reflect the intent and goals of Supporting Justice 	
4.3.2	<p>COMMUNITY CONNECTION & PRESENCE – Max 5 Points</p> <ul style="list-style-type: none"> The building contributes positively to the neighbourhood, using design to enhance civic and cultural connections The main building entrance and surrounding plaza are prominent with appropriate human scale 	
4.3.3	<p>EXCEPTIONAL USE OF NATURAL LIGHT – Max 3 Points</p> <ul style="list-style-type: none"> The use of natural light for both public zones and staff working areas is a foundational principle and informs the shape, form and configuration of the architecture 	
4.4	<p><u>Safety and Security</u></p> <p>Extent to which the Facility design and use of technology achieve a safe and secure environment and minimize the reliance on operations.</p> <p>The Province will consider how effectively the design responds to:</p> <ul style="list-style-type: none"> Design Value 3 – Safety and Security Design Value 4 – Accessibility <p>In evaluating, the following will be considered:</p>	20
4.4.1	<p>INTERNAL ZONES – Max 10 Points</p> <ul style="list-style-type: none"> The design of internal circulation routes and rooms used by the public, staff and others demonstrates a superior understanding of required security procedures After hours access to required programmed areas is effective and efficient for use by the public and staff as appropriate 	
4.4.2	<p>EXTERNAL ZONES – Max 5 Points</p> <ul style="list-style-type: none"> Public access routes to the building and associated exterior gathering areas are safe and easily monitored Staff working areas at grade are effectively shielded/protected from the public Safe passage for staff from the main building to the secured staff zone of the parkade is highly effective 	
4.4.3	<p>SPECIAL CIRCULATION ZONES – Max 5 Points</p> <ul style="list-style-type: none"> Access to and from the below grade secure area that includes judicial parking and the sally port is effective and efficient 	

Table 1 – Scored Elements Evaluation Criteria and Weighting		
Related Section in Appendix B	Criteria	Points
	<ul style="list-style-type: none"> The design demonstrates safety for staff within all areas of the Accused Holding zone (including transport to courtrooms) 	
4.5	<p><u>Meaningful Post-Award Consultation</u></p> <p>Exceptional commitment to the Province and the process of consultation.</p> <p>In addition to satisfying the requirements of Schedule 2 [Design and Construction Protocols], specifically User Group Consultation, the Proponent will be evaluated on the extent to which they demonstrate how they will relieve the constraints of schedule, price and risk to provide the degree of flexibility necessary for meaningful user consultation. The Proponent presents some form of innovation in the progressive availability of information for discussion and integration into the design to achieve the best value solution for the Province.</p> <p>In evaluating, the following will be considered:</p>	6
4.5.1	<p>DESIGN PHASE METHODOLOGY – Max 3 Points</p> <ul style="list-style-type: none"> The provision of an explicitly described methodology for the post-award design phase, including estimated time, materials/content to be provided, anticipated input/decisions from the Province and method of receiving/providing feedback. 	
4.5.2	<p>FLEXIBILITY IN DESIGN PROCESS – Max 3 Points</p> <ul style="list-style-type: none"> Acknowledgement of the need for flexibility in progressive levels of design commitment, and demonstration of how this will be achieved. This will also be evaluated based on team leaders/facilitators with demonstrated expertise in consensus building within a PPP project delivery context. 	
	Total Points	100

The Technical Submission will be scored and awarded points based on the level of achievement of the criteria in Table 1, based on information provided in the Technical Submission as described in Appendix B, Proposal Requirements.

2. FINANCIAL SUBMISSION

Subject to the terms of this RFP, including Section 7.1 [Mandatory Requirements] and Section 7.2 [Evaluation of Proposals], the Province will evaluate each of the Financial Submissions to determine whether the Province is satisfied that the Financial Submission substantially meets the following requirements:

- (a) the Proponent has arranged sufficient financing for the Project in accordance with the requirements of the RFP and the Final Draft Project Agreement;
- (b) demonstration that the Proponent's Financing Plan, including security, bonding, guarantees and insurance elements, is robust and deliverable;
- (c) demonstration that the Proponent's Financing Plan can be executed expediently if the Proponent is selected as Preferred Proponent;
- (d) demonstration that each of the Proponent's Equity Providers continue to have the ability to raise sufficient capital to meet the equity requirements;
- (e) demonstration that the Proponent is financially viable; and
- (f) the provisions of this RFP, including the requirements set out in:
 - (1) Appendix B of this RFP; and
 - (2) the Final Draft Project Agreement.

If the Province is not satisfied that the Financial Submission substantially meets the above requirements, the Province may reject the Proposal and not evaluate it further.

3. RANKING PROCESS

Proposals that have not been rejected will be ranked according to the following process:

Step 1: Highest on Scope Ladder

Each Proposal will be examined to identify the extent to which, if at all, Scope Ladder items, as described in Section 4.4 of this RFP, have been used to achieve the Affordability Requirements. The Proposals will then be ranked in accordance with the Proponent's use of Scope Ladder items, with the Proposal using the least Scope Ladder items being ranked the highest, and the Proposal using the most Scope Ladder items being ranked the lowest.

If a Proponent has made use of Scope Ladder items out of the order described in Section 4.4 (i.e. has used an item in a tier before using all of the items in one or more lower numbered tiers), the Proponent will be deemed to be using all Scope Ladder items in the lower numbered tier(s) even if these items are

otherwise included in the Proponent's Proposal. For example, if a Proponent has used a Scope Ladder item in tier 2 without using all Scope Ladder items in tier 1, then the Proponent will be deemed to have used all of the tier 1 items. The Proposals will then be ranked based on their use of Scope Ladder items, with the Proposal using (or deemed to be using) the least number of Scope Ladder items ranked the highest, and the Proposal using (or deemed to be using) the most Scope Ladder items ranked the lowest. If as a result of the foregoing ranking, two or more Proposals are ranked highest, those Proposals (and only those Proposals) will be ranked in accordance with Step 2.

Step 2: Lowest Adjusted Net Present Cost

The Province will calculate the Adjusted Proposal Net Present Cost of a Proposal by doing the following:

(a) Scored Elements Adjustment

For the purposes of evaluation and ranking only, the Proposal Net Present Cost will be adjusted based on:

- (1) calculating the number of points (including partial points) points achieved by the Proposal;
- (2) multiplying that calculated number of points by \$142,000 (the net present value of a point allocated by the Province for this purpose); and
- (3) subtracting the product from the Proposal Net Present Cost of the Proposal.

(b) Energy Adjustment

For the purposes of evaluation and ranking only, the Proposal Net Present Cost will be adjusted based on:

- (1) calculating the Cost Adjustment (\$), using the assumptions in Appendix O, as described below;

$$\text{Cost Adjustment (\$)} = \text{NPV}_{30 \text{ year}} (\text{DCET}) - \text{NPV}_{30 \text{ year}} (\text{DCET}_{\text{Proponent}})$$

- (2) subtracting the Cost Adjustment (\$) from the Proposal Net Present Cost of the Proposal.

The above references are subject to Section 8.2 and receipt of the Proponent's energy model containing the Proponent's Design and Construction Energy Target, acceptable to the Province.

The Proposal which offers the lowest Adjusted Proposal Net Present Cost as determined by the Province will receive the highest ranking and be designated the highest-ranked Proposal.

Step 3: Most Advantageous to the Province

If the Adjusted Proposal Net Present Cost of one or more of the other Proposals is not more than \$100,000 higher than the Proposal with the lowest Adjusted Proposal Net Present Cost, then the Province will select from among the Proposal with the lowest Adjusted Proposal Net Present Cost and the other Proposals with an Adjusted Proposal Net Present Cost not more than \$100,000 higher the Proposal that in the Province's discretion is the most advantageous to the Province and such Proposal will be designated as the highest ranked Proposal. The Province expects that it will have to conclude that there are compelling advantages as compared to the Proposal with the lowest Adjusted Proposal Net Present Cost before a Proposal with a higher Adjusted Proposal Net Present Cost will be selected.