

## **WOOD INNOVATION & DESIGN CENTRE**

### **Final Report of the Fairness Reviewer**

I have acted as Fairness Reviewer for the Wood Innovation & Design Centre Project (the "Project") throughout the procurement process to date. My mandate is to act as an independent observer, and report to the Project Board on whether the procurement processes set out in the RFQ and RFP are applied fairly and in accordance with their terms.

I advised the Project Board in July 2012 that I was satisfied the procurement processes for the RFQ phase were fairly implemented and applied by the Project team in accordance with the RFQ. The Project team has now completed evaluation of responses to the RFP. This is my final report.

### **RFP / COLLABORATIVE PROCESS**

The RFP was issued in October, 2012 to the three Proponents selected through the RFQ process. The RFP included details of the technical requirements of the project, the required format and content of Proposals, a summary of the process and criteria for evaluation of Proposals, and other terms of the competition.

After release of the RFP, Project staff held an information meeting for all bidders, followed by several rounds of meetings and workshops with individual Proponents for discussion of the requirements of the RFP, and specific topics of concern. I attended or monitored most of those meetings, and was satisfied that:

- meetings were attended by Project staff with appropriate expertise and authority to address questions raised by Proponents
- the team ensured that all Proponents were provided with the same information about the project, in a timely manner
- meetings were conducted in consistent fashion for all three Proponents
- meetings were conducted in accordance with the RFP, including its requirements related to confidentiality, restrictions on communications, and other matters.

The Project team facilitated meetings for proponents with the City of Prince George, the Building Safety and Solutions Branch, and others as necessary for the Project, to ensure Proponents had information they required for their responses. I attended a selection of those meetings, and observed that they were conducted consistently.

Throughout the RFP period, the Project team also managed an electronic data room with various documents relevant to the Project, and answered written questions from Proponents. I monitored the data room periodically, and reviewed all communications between the Project team and Proponents. I observed that questions submitted to the Project and requests for information were answered consistently, and in accordance with the process described in the RFP.

### **EVALUATION**

Proponents' responses to the RFP were submitted in two phases. The first submittal was a Technical Submittal that set out the Proponent's plans for the technical aspects of the Project, and the second was a Financial Submittal that detailed each Proponent's pricing and other financial

information. These submittals were evaluated by separate teams of evaluators with appropriate expertise.

**Evaluation Manual:** Before each set of Submittals was received, the Project team produced a detailed Evaluation Manual setting out:

- procedures for receipt of Submittals, and security measures for custody of and access to Submittals;
- procedures for review of relationships of the evaluators to eliminate potential conflicts;
- the responsibilities of all evaluation participants including individual evaluators, team chairs, expert advisors, and the Evaluation Committee;
- methods for communicating with Proponents during the evaluation;
- method and procedures for evaluating Proposals;

and other matters. I reviewed each Evaluation Manual and was satisfied that it set out a reasonable basis for evaluation of the related Submittals, consistent with the RFP.

**Closing and Completeness Review:** All Proponents filed Technical Proposals in response to the RFP; after completion of the evaluation, two were invited in accordance with the RFP to provide Financial Submittals. I monitored the closing time for each set of Submittals, and confirmed that the Project team followed the processes set out in the relevant Evaluation Manual for receipt and initial completeness review of Submittals, as well as secure storage and confidentiality of documents.

**Relationship Review:** Before any evaluators were permitted access to Submittals, a Relationship Review Committee conducted a process consistent with the Evaluation Manual to elicit and consider details of relationships among members of Proponent teams, and evaluation participants, to ensure that all participants were free of bias.

**Orientation:** Before starting their work, evaluators received an orientation as to the features of the Evaluation Manual, including the methods for evaluation, and standards related to confidentiality, security, consistency, and other matters.

**Evaluation Process:** During each evaluation, I had access to all Submittals and the evaluation premises at all times. I was informed of all meetings, and reviewed all correspondence between the Project team and Proponents. I attended a selection of the evaluation meetings and talked with the evaluators. I observed that the processes for security and access to documents outlined in the Evaluation Manual were followed by the Project team.

Each set of Submittals was evaluated by persons with relevant expertise. The teams had appropriate physical and equipment resources for the evaluation, and had available expert advisors. The evaluators developed questions as needed to obtain clarification from Proponents where necessary for the evaluation; all such questions were reviewed by the Evaluation Committee prior to release, to ensure consistency in approach, and compliance with the RFP.

I observed that:

- The processes described in the Evaluation Manual were followed for all communications between the evaluation teams and the Proponents;
- All evaluators participated fully in discussion of the Submittals, and their conclusions were unanimous; and
- Submittals were evaluated in accordance with the evaluation criteria established in the RFP and the Evaluation Manual.

During the evaluation, representatives of the Evaluation Committee participated in discussions with the evaluators. The Evaluation Committee also met as a whole to review the work of the evaluators, and to test the evaluators for consistency and reasonableness. The Evaluation Committee also obtained expert advice and conducted additional inquiries as it considered necessary to confirm conclusions about some aspects of the Submittals.

Following discussion with the evaluators, the Evaluation Committee prepared a report on the evaluation for the Project Board. I observed that all members of the Evaluation Committee were familiar with the Submittals and participated fully in discussions, and that conclusions of the Evaluation Committee were unanimous.

## **COMPLAINT REGARDING RFQ**

During fall 2012, well after RFQ responses were evaluated and the RFP published (but before receipt of any RFP Submittals), Mr. McLaren and Mr. Fehr contacted me. Mr. Fehr had participated in a respondent team for the RFQ (Mr. McLaren was not a member of any team). They alleged that they had discussed the Project with Minister Pat Bell and a member of his staff after publication of the RFQ, and that the Minister had promised Mr. Fehr's team would be included on the shortlist for the RFP.

I note that Mr. McLaren and Mr. Fehr made other allegations about commitments by the government to include features in the Project that ultimately were not included. Those matters are outside my mandate. I advised Mr. McLaren and Mr. Fehr that I would review only their complaints that touched on the conduct of the RFQ and RFP processes set out in the Project documents.

The terms of the RFQ prohibited respondents from discussing the Project with any representative of the Authority, except in writing and through the Contact Person. The RFQ also provided for disqualification of respondents who breached those terms.

I reviewed with Mr. McLaren and Mr. Fehr the details of their allegations relevant to my role, and I interviewed the Minister and his staff member, each of whom denied having made any promise as to the outcome of the RFQ evaluation.

The RFQ and the Project Team's Evaluation Manual of course precluded involvement of any person not on the evaluation team (which as noted above consisted of persons with expertise relevant to the Project). The evaluators provided a unanimous report and recommendations as to their evaluation of RFQ submittals, and the report and recommendations of the Evaluation Committee were also unanimous. The Project Board (in June, 2012) in turn unanimously approved the recommendations of the Evaluation Committee.

I observed no indication of improper influence over the evaluation process set out in the Project documents, nor any attempt to interfere by anyone not on the evaluation team. The Chair of the Evaluation Committee confirmed to me that he also saw no attempt by the Minister to influence or interfere with conduct of the evaluation. (I note that Mr. Fehr's team was not shortlisted for the RFP, thus regardless of the allegations there was plainly no effective interference with the evaluation process.) I am satisfied that there was no attempt to improperly influence the outcome of the evaluation, or its conduct in accordance with the provisions of the RFQ and the Evaluation Manual.

I have concluded that the allegations made by Mr. Fehr and Mr. McLaren should not result in any revision of my earlier conclusion that the RFQ process was managed fairly and in accordance with the Project documents.

## **CONCLUSIONS**

Throughout the procurement process, the Project team has ensured that:

- I had the opportunity to comment on the Project documents (including evaluation materials);
- I received copies of all correspondence between the Project team and Proponents (including requests for information from Proponents, and requests by the team for clarification of Submittals).
- I had full access to all Submittals and the evaluation premises, and the opportunity at any time to speak with Project team members including managers, evaluators and advisors.
- I was invited to attend all meetings held by the Project team with Proponents, internal team meetings, and meetings of the evaluation teams and Evaluation Committee. I attended such meetings as I felt were necessary to carry out my role.

I have observed that the Project team has when necessary discussed and instructed itself appropriately on matters related to fairness. Periodically, I have been asked for, or have offered, comments on fairness issues. In each such case, the Project team has carefully considered my advice and I have been satisfied with the resolution of the matter.

Based on the foregoing, I am satisfied that the Project team has fairly implemented and applied the procurement processes set out in the RFQ and RFP in accordance with the terms of those documents.

Signed at Vancouver, March 18, 2013

Jane Shackell, Q.C.