

## **INTERIOR HEALTH AUTHORITY**

### **CLINICAL SUPPORT BUILDING**

#### **RFQ Process**

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

I was retained as Fairness Reviewer for the Interior Heart Surgical Centre / Clinical Support Building Project (the "Project"). My mandate is to act as an independent observer with respect to fairness of implementation of the Project's procurement processes. I report to the Project Board on whether the procurement process and decisions of the Project team related to the process are fair, reasonable, and appropriate; and whether the processes and decisions are reasonably implemented and materially complied with by the Project team.

This is my report on the process to July 7, 2010, at which time the Project team had completed evaluation of responses to the Project's Request For Qualifications ("RFQ"). I provided an oral version of this report to the Project Board at its meeting of July 7, 2010.

The RFQ states the information required to be provided by respondents, and summarizes the process and criteria for evaluation of responses. The Project team prepared an Evaluation Manual which set out the intended manner of evaluation of responses, with procedures for receipt of responses, security measures for custody of and access to responses during the evaluation period (including secure premises and restrictions on use of electronic devices in the secure premises), procedures to follow in communications with respondents, guidelines for scoring, and other matters.

Since issuance of the RFQ, I have undertaken the following activities:

- Attended a bidders' meeting in Kelowna at which prospective bidders were provided with information about the Project, and a site tour
- Reviewed and provided input to the Evaluation Manual
- Monitored the receipt of responses at the closing time
- Attended part of the evaluators' orientation meeting
- Monitored requests for clarification issued by the Project team to respondents as part of the completeness review, and the answers received
- Discussed the relationship review process with the evaluation management team
- Visited the evaluation sites in Vancouver and Kelowna, and discussed the document security arrangements with the evaluation management team
- Spoke with the financial evaluation advisors

- Attended part of the meeting in Kelowna at which the Evaluation Committee completed its detailed work on the non-financial aspects of responses

I had access to all the Proposals, and to the evaluation premises at all times. I was informed of meetings, and reviewed all correspondence between the Project team and the respondents. I attended a selection of the meetings I considered necessary.

The team determined that those sections of responses pertaining to financial experience and capacity of respondents would be evaluated by the Chair of the Evaluation Committee, with assistance from a team of advisors from Ernst & Young. I supported amending the Evaluation Manual to include this procedure, since the other members of the Evaluation Committee did not have appropriate expertise to participate in evaluation of this material. Accordingly, all portions of the responses were evaluated by persons with expertise in matters related to the information under consideration, and with assistance as needed from professional advisors.

I observed that the processes described in the Evaluation Manual were followed by the Project team, including the processes for receipt and initial completeness review of proposals, relationship review, secure storage of and access to proposals, detailed review and correspondence with proponents. Evaluations of the responses were conducted in accordance with the evaluation process and criteria described in the RFQ and the Evaluation Manual. The teams discussed in detail and in turn the specific content of each Proposal, compared it against the requirements of the RFQ and assigned a score. I observed that:

- Prior to and during their work, teams discussed the requirements of the Evaluation Manual, including issues as to consistency and fairness;
- Team members were familiar with each of the Proposals, such that each member could fully discuss the Proposals in meetings;
- Teams debated among themselves to ensure that scores were careful, rational, consistent and based in the requirements of the RFQ and the Evaluation Manual;
- Team discussions were open, disagreements were respectful, and participants were open to persuasion. Scoring results were approved by the entire group;

Periodically during the process to date, I have asked questions of the Project team about the process, or have offered comments related to issues of fairness. In each case I have been satisfied with the team's response, and have observed that any advice I offered was handled appropriately.

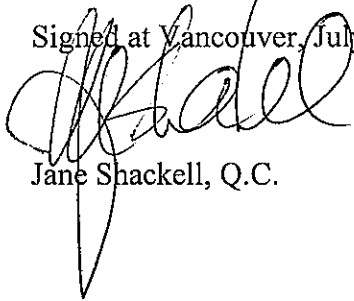
I am satisfied that:

- The RFQ properly described the requirements for responses and the basis for their evaluation;
- The Evaluation Manual provided reasonable procedures to ensure confidentiality of the responses, and a thorough and unbiased review;

- Evaluation of the responses was conducted diligently and carefully, and in accordance with the pre-determined procedures.

I am satisfied that to date, the procurement process and decisions of the Project team have been fair, reasonable, and appropriate; and those processes and decisions have been reasonably implemented and materially complied with by the Project team.

Signed at Vancouver, July 13, 2010.

A handwritten signature in black ink, appearing to read 'J. Shackell', written over the text 'Signed at Vancouver, July 13, 2010.' The signature is fluid and cursive.

Jane Shackell, Q.C.