

GATEWAY PROJECT – SOUTH FRASER PERIMETER ROAD
RFQ Process

Report of the Fairness Reviewer

November 18, 2008

I was retained by the Ministry of Transportation as the Fairness Reviewer for the South Fraser Perimeter Road Project (the “Project”). I am to report on whether the procurement process and decisions of the Project team are fair, reasonable, and appropriate; and whether those processes and decisions are reasonably implemented and materially complied with by the Project team in delivering the Project. This is my report on the process to the above date.

A Request for Qualifications (the “RFQ”) was issued in July, 2008, describing the Project, and inviting private sector entities to submit responses describing their experience, track record and capability relative to the Project. The RFQ included details of the information required, the format for submissions, and a summary of the process and criteria for evaluation of responses.

Project staff also produced a more detailed Evaluation Manual setting out the intended manner of evaluation of RFQ responses, with guidelines for scoring and weighting, standards and methodology. The Evaluation Manual included procedures for receipt of responses, and security measures for custody of and access to responses during the evaluation period (including secured premises, restrictions on use of electronic devices in the secure premises, restrictions on email communication, and appropriate arrangements for recording access to the responses).

The RFQ and Evaluation Manual were prepared with appropriate assistance from experts in project finance, public/private partnerships, highway maintenance and operations, and related matters. I attended several meetings of the team, and observed that all members participated fully in discussions as to the requirements of the RFQ, the relation of each item to the objects of the Project, and methods for scoring submissions.

After issuance of the RFQ, the Project issued two addenda, and answered specific questions from respondents related to RFQ content and the process. Project staff followed pre-determined processes for communicating with respondents, to ensure timeliness, consistency, and confidentiality as appropriate.

Six respondents filed Proposals in response to the RFQ. I observed that the processes documented in the Evaluation Manual for receipt and initial completeness review were followed, and that subsequent storage and review of the Proposals was conducted in accordance with the security and confidentiality provisions of the Evaluation Manual.

A Relationship Review Committee conducted a process to elicit details of relationships among members of respondent teams, and members of the team evaluating the responses. The Project retained a Conflicts of Interest Adjudicator for related issues. I observed that the pre-determined process established for the workings of these entities was followed.

I had access to all the Proposals, and to the evaluation premises at all times. I was informed of meetings, and reviewed all correspondence with respondents. I attended a selection of the meetings I considered necessary, including several telephone meetings at which respondents' references were checked.

Each Proposal included information as to the respondent team's experience, track record and capacity with respect to matters relevant to the Project. Each Proposal was evaluated by four teams; each of those teams was charged with scoring one of three aspects: finance, concessionaire, design-build contractor, and infrastructure maintenance. I attended meetings of all four teams, as well as meetings of team leads with the evaluation and due diligence committees.

The members of each team were persons with appropriate expertise in matters related to the material under consideration. The teams were assisted by professional advisors with additional expertise. Appropriate resources were provided to the teams for the evaluation, including offices and meeting rooms, electronic and communications equipment, and translation facilities (for reference checks).

Evaluations of all six Proposals were conducted in accordance with the evaluation process and criteria described in the RFQ and the Evaluation Manual. Each team discussed in detail and in turn the specific content of each Proposal. Each aspect of each Proposal was compared against the requirements of the RFQ and the scoring guidelines, and assigned a score. Teams obtained clarifications as necessary from the respondents. I observed that:

- Prior to the evaluation, and periodically during their work, teams discussed the matters set out in 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 and compare the Proposals in meetings;
- Reference checks were conducted in accordance with pre-determined procedures including consistent questions to referees;
- Teams debated among themselves to ensure that scores were careful, rational, consistent and based in the requirements and measures described in 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;
- Evaluation teams held rigorous discussions with the due diligence committee and its advisor, to ensure that all teams had evaluated the Proposals in a consistent manner.

The Evaluation Committee satisfied itself as to the process followed by the teams, the methods of evaluation used, the rationale for each score, and the overall results obtained. I attended the meetings of the Evaluation Committee and observed that its members asked pointed and thorough


questions, relevant to determining that the scoring work by the teams had been conducted diligently and fairly, and that the results of scoring were internally consistent.

I am satisfied that:

- The RFQ properly described the expectations of the Project team with respect to Proposals, and the basis for evaluation of Proposals;
- The requirements of the RFQ and the basis for evaluation of Proposals were reasonable, and rationally connected to the Project objectives;
- All respondents had consistent information as necessary to provide a response to the RFQ;
- Appropriate steps were taken to ensure that evaluators were free of bias; and
- Evaluation of Proposals was conducted diligently and carefully, and in accordance with the pre-determined procedures.

As a result 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 and dated at Vancouver, November 18, 2008.



Jane Shackell, QC
Fairness Reviewer