

Sent by Email (danielle.townley@infrastructureontario.ca)

October 22, 2021

Infrastructure Ontario,
Suite 2000, 1 Dundas Street West,
Toronto, Ontario,
M5G 2L5.

Attn: Ms. Danielle Townley
Senior Vice President

**Re: Lakeshore West Infrastructure Improvement Program
Request for Proposal No. 17-313
Letter & Final Report by Fairness Monitor**

Ms. Townley,

Please find attached our Final Report.

Should you have any comments and/or questions please advise.

Sincerely,
For and on behalf of
Lakeland Consulting Inc.



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Attachment: Report

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Lakeland
Consulting Inc.

Lakeshore West Infrastructure Improvement Program



Request for Proposal Fairness Monitor's Report

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Fairness Monitor

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Revision History

Date of Issue	Issued to	Status & Changes
October 22, 2021	Senior Vice President, IO	Final

In the event that this Report is changed after Date of Issue, all such changes will be identified in the Revision History.

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- 1.0 Project & Mandate:** The Build-Finance of the Regional Express Rail, Lakeshore West Infrastructure Improvement Program (“Project”) being undertaken by Infrastructure Ontario and METROLINX (collectively the “Sponsors”). Lakeland Consulting Inc (“Lakeland” or “Fairness Monitor” or “we”) has been engaged by Infrastructure Ontario (“IO”) in the capacity of Fairness Monitor, with the role of:
- a) **Monitoring** the Sponsors conduct during the procurement process to ensure i) open and transparent procurement process is followed; ii) all applicants are treated fairly; iii) conformity with confidentiality and conflict of interest requirements; and iv) evaluation criteria and procedures – defined and applied fairly, objectively, and free of bias; and
 - b) **Observing** all stages of the procurement process, including i) attending formal meetings with Applicants/Proponents; ii) reviewing all procurement related documents; iii) addressing conflicts of interest; iv) monitoring evaluation activities; v) reviewing fairness issues upon request; and vi) submitting a formal report at conclusion of the RFP Stage.
- 2.0 Request for Proposal:** The Fairness Monitor reviewed RFP documents (draft and final) between May 2018 and May 2021 as requested by IO. Our comments and observations provided from a Fairness perspective helped inform updates to the Request for Proposal by IO. The final RFP document was posted on AWARD on May 11, 2021 (“RFP”).
- 3.0 Key Aspects of RFP:** The RFP document included “Appendix 1 – RFP Data Sheet” which sets out specific key aspects including name of Client; project name; overview; description; scope; construction challenges, construction constraints, signing party/parties; timetable; Fairness Monitor, submission address; contact person; applicant’s meeting; questions/clarifications; number of prequalified parties; Pre-RFP meetings; evaluation categories; communications and public comments; conflict of interest and illegible persons/definitions.
- 4.0 Updated RFP:** During the RFP phase of the procurement process, Addendums, Request for Information (RFIs) and responses, Notices and updated RFPs were issued after the initial posting of the RFP document. The updated RFPs were posted to reflect these amendments; additionally, the final version of the RFP was made available to Applicants via AWARD.

- 5.0 RFP Evaluator Orientation:** IO held an orientation session for evaluators on May 5, 2021. This training was attended by representatives of the Sponsors and addressed a) evaluation framework and process documents, b) participating structure, roles and responsibilities, c) evaluation and scoring, d) evaluation tools, procedures and considerations, e) confidentiality, f) conflicts and interests, AWARD Electronic System Overview, and g) next steps.
- 6.0 Evaluation Framework:** This vital reference document formed part of the Evaluator Orientation Session. It provided, a) an overview, b) participants in the evaluation process, c) pre-evaluation procedures, d) evaluation steps and procedures, e) other evaluation procedures, f) definitions, and g) interpretations.
- 7.0 Receipt of RFP:** The deadline for submission of RFP Proposals was 2:00 pm on May 12, 2021 via the Award. After closing, the Fairness Monitor was provided with a copy of the Submission Summary as generated by Award. The Sponsors received RFP submissions from the following Applicants:
- EllisDon Infrastructure Transit (EDIT)
 - Steelhead Constructors (Aecon & Dufferin Construction Company)
 - West Link Partners (Dragados/Amico)
- 8.0 Compliance Review:** The Sponsors concluded a compliance review of submissions on May 17, 2021, to verify that submissions were “Substantially Complete”, as required under the RFP. There were no anomalies; all three submissions met the compliance requirements and were released for Evaluation.
- 9.0 Technical Consensus:** The Technical Evaluation Team Consensus Meetings were held virtually via MS Team from June 7 to June 8, 2021, with attendees being IO and Metrolinx representatives.

The purpose of the meeting was to record the scores from the individual evaluators and to achieve a consensus score between the evaluators to arrive at a percentage score from 0% to 100% specific to Evaluation Criteria Categories across the technical sections.

The consensus score was arrived at by the evaluators after grading within the individual score ranges of very poor (0-24%), poor (25-59%), satisfactory (60-69%), good (70-79%), very good (80-89%) and excellent (90-100%). It was observed that:

- i. Dialogue: There was dialogue between the Metrolinx and IO Evaluators across the technical categories, specifically relating to:
 - Organization – Applicant & Prime Team Member (PTM) Organization.
 - Projects - PTM Project Experience
 - Resumes – PTM Resumes (personnel)
 - Informed – Local Construction Knowledge.
- ii. Debate: The evaluators provided arguments with respect to specific points at some instances based on their individual findings. These exchanges focused primarily on finding commonality of definition relating to what the individual criteria score items meant. Evaluators shared thoughts on RFP requirements and arrived at a consensus which guided the scoring approach.

During a detailed and thorough consensus session spanning two days, the technical scores were recorded by the Chair and the evaluators kept a common set of summary notes that were circulated between the evaluators to further confirm agreement.

10.0 Financial Consensus: Concurrent with the continuing Technical Evaluation Team Consensus Meeting, the Financial Evaluation Team Consensus Meeting was attended by representatives of IO and Metrolinx via MS Teams on June 28, 2021 in advance of the Evaluation Committee meeting.

The purpose of the meeting was to record the rating (Poor, Satisfactory or Good) from the individual Evaluators and to achieve a consensus rating between the Evaluators. A rating of “Satisfactory” being required to pass the evaluation. It was observed that:

- a) Dialogue: There was dialogue between the Evaluators in respect of the financial categories being assessed.
- b) Debate: Due to the fairly broad parameters of Satisfactory and Unsatisfactory, debate ensued as the Evaluators shared thoughts on RFP requirements and how they are satisfied.

During the consensus session, the financial ratings were recorded by the Chair and circulated between the Evaluators for final agreement. Consensus results were subsequently presented at the Evaluation Committee Meeting.

11.0 Evaluation Committee Meeting: The Evaluation Committee Meeting was attended by Raynald Philippe (Manager, Procurement), Arin Arat and Shama Naqushbandi (IO –

Evaluation Committee Member) and Lesley Thompson and Liane Callaghan (Metrolinx – Evaluation Committee Member).

The meetings were chaired by Raynald Philippe (“Chair”) and received presentations from a representative of the evaluation team (Technical and Financial). The presenters sought the approval of the Evaluation Committee to accept the results of the evaluation teams, specifically:

- a) Financial: The Financial Evaluation presentation provided a financial evaluation overview, rating scale, financial evaluation criteria (including Applicant’s financial strength, financial reference, risk allocation and approach to securing performance, approach to financing structure and past project/team experience in raising financing for similar projects), team structures, comments and observations, financial evaluation results (including its score/rating for Applicant financial strength and areas of improvement) and financial evaluation summary.
- b) Technical: The Technical Evaluation presentation comprised of a technical overview of the following, Applicants organization inclusive of lead, experience and management approach, design teams’ organization experience, approach, examples and resumes, construction team members organization, construction approach, examples, resumes, capacity, delivery, resourcing, and health and safety.
- c) Analysis: The Technical Consensus Evaluation Results and each Applicants Ranking were then tabled in an evaluation summary. As part of the process of dialogue and due diligence, the Evaluation Committee requested an explanation of the narrative under the heads of “strengths” and “areas of improvement” detailed in the evaluation summary as the Evaluation Committee gained a better understanding of the outcome of the Technical Evaluation and Financial Evaluation results.
- d) Approvals: The Evaluation Committee approved the consensus results arrived at by the Financial Evaluation and Technical Evaluation teams. It is our understanding that these consensus results will be further summarized and submitted to the Steering Committee. The prequalified parties and any unsuccessful parties will also be notified shortly thereafter.

12.0 RFP Results: Upon completion of the RFP process, Proponents were informed in accordance with the RFP Framework.

13.0 Fairness Findings: Based on the above, the **Fairness Report Card** below summarizes our milestone findings during the RFP period of the RER Lakeshore West Improvement Program (RFP 17-313).

Fairness Report Card

Item	Events attended, processes monitored, and documents reviewed	Fair	
		Yes	No
1	Review of RFP documentation including revisions & addenda		
2	Attended Applicants' meetings & orientations (via MS Teams)		
3	Review of Addenda, Notices, and Responses (via Award and email)		
4	Commercial Confidential Meetings – various subjects & Ad Hoc (via MS Teams)		
5	Monitored receipt of Project RFP Submission at closing (via Award)		
6	Attended Technical & Financial Consensus meetings		
7	Attended RFP Evaluators' Orientation – Financial & Technical guidelines		
8	Evaluation Committee –review & approval of Technical Consensus		
9	Evaluation Committee – Review & approval of Financial Consensus		

14.0 Findings & Conclusion: As Fairness Monitors for the RER Lakeshore West Improvement Program (RFP 17-313), it is our professional opinion that the entire RFP process was carried out in accordance with the Project RFP. Further, this RFP process observed the principles of Fairness, Openness, Transparency and Consistency.

END OF REPORT