



**Request for Qualifications (RFQ 19-137)**

**Request for Proposals (RFP 19-190)**

**To Form an Alliance for the Design and Construction of the  
GO Expansion – Union Station Enhancement Project**

**for**

**Metrolinx and Infrastructure Ontario**

**FINAL FAIRNESS MONITOR REPORT**

**Project:** Form an Alliance for the Design and Construction of the GO Expansion -  
Union Station Enhancement Project – RFQ 19-137 and RFP 19-190

**Report Stage:** FINAL

**Date of submission:** October 8, 2020

**Submitted to:** Infrastructure Ontario – Vice President, Procurement

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## **1 INTRODUCTION**

BDO Canada LLP was engaged by Infrastructure Ontario and Lands Corporation (IO) as a Fairness Monitor to observe the Request for Proposals (RFP 19-190) process of the project to Form an Alliance for the Design and Construction of the GO Expansion – Union Station Enhancement Project (USEP) and sub-components thereof, including the preceding Request for Qualifications (RFQ 19-137) process and the evaluation of Signaling Providers proposed by each of the four (4) qualified proponents.

### **1.1 BACKGROUND**

The purpose of the Project is to design and construct infrastructure upgrades required at Union Station, located in the City of Toronto, to accommodate the planned expansion of GO Transit rail services. This early works phase was required in advance of the larger GO Expansion Project (OnCorr) in order to facilitate future track closures for the reconstruction of platforms within the existing train shed, and to reduce the overall impact to the OnCorr construction schedule.

The USEP provides two wide platforms and a new concourse south of the existing trainshed. The new passenger concourse will span from Bay Street to York Street and connect into the existing Bay, VIA and York concourses to the north. The Project will reconstruct platforms 24/25 and 26/27, increasing the width and re-aligning track to permit higher speeds and allow for greater train and pedestrian throughput. The general scope includes the new concourse and associated platforms, canopies, vertical access, electrical and mechanical works, track and signal works, storm water management system and provisions for future modification for level boarding.

### **1.2 PROJECT SCOPE**

The scope of the project is to:

1. Construct a new concourse south of the Bay Concourse, VIA Concourse and York Concourse extending from York Street to Bay Street with access to the new expanded platform 24/25 and new south platform.
2. Decommission and remove existing platform 24/25 and 26/27. Then construct a new expanded platform 24/25 and new platform south of track Q and R. Protect for future level boarding provisions.
3. Decommission and remove existing tracks (13, 14, 15 and 16) and construction of the new track Q and R, inclusive of the decommissioning of existing signalling system and installation of the new signaling system.
4. Stormwater Management – construction of underground storage system to alleviate pressures from the existing system.

### **1.3 BDO ROLE and DELIVERABLES**

BDO Canada LLP is an independent third party retained by Infrastructure Ontario that is responsible for providing a report to the Owners that verifies that the RFP and its sub-components have been conducted

in a fair, open and transparent manner. The Fairness Monitor is the individual participant designated in Appendix 7 to the RFP Evaluation Framework. In respect of the Evaluation Process, specifically, the Fairness Monitor is responsible for the following:

- a) providing fairness monitoring oversight services, including:
  - (i) observing the Evaluation Process and attending all meetings of the Technical Evaluation Team, Financial Evaluation Team, Evaluation Committee, evaluator training sessions, and interviews with Applicants (if any);
  - (ii) reporting to the Evaluation Committee, as required;
  - (iii) ensuring that the provisions of the Evaluation Framework allow for the fair, open and transparent conduct of the Evaluation Process; and
  - (iv) confirming for the Evaluation Committee that the Evaluation Process has been conducted in accordance with the RFQ/RFP, Evaluation Framework and in a fair, open and transparent manner; and
- b) providing fairness monitoring process support services, including:
  - (i) reviewing, for fairness purposes only, all documents related to the Evaluation Process; and
- c) reviewing, for fairness purposes only, all correspondence related to the Evaluation Process, including requests for clarification to Applicants, reports provided by Subject Matter Experts for use in evaluation, clarification questions to Subject Matter Experts, and responses to all such requests.

## 2 BDO METHODOLOGY

### 2.1 Our Approach and Methodology

In Canada, a *duty of fairness* generally exists independent of statutory law and has become a construct of both common law, and forceful public policy directed squarely at invoking public trust.

In terms of public policy, the principles of fairness, openness, transparency and accountability have been articulated and embodied in legislation, policy statements, and administrative directives (for all levels of government as well as publicly funded authorities and institutions) and set out the over-riding integrity framework for public procurement.

In this context, the *duty of fairness* in procurement can be expressed as:

- **Procedural fairness**, e.g. how decisions are made (the standards, criteria and steps to be followed before, during and after decisions are made); the transparency of the process (a prerequisite in system integrity); and the related enforcement of reserve rights (i.e. privilege clauses);
- **Design and Performance Fairness**, e.g. providing clarity of requirements to competing vendors that avoids (a) incomplete descriptions, or vagueness that may favour incumbents, (b) product bias in specifications and selection criteria, and (c) conflicting requirements or ambiguous statements that may confuse design and performance conditions;
- **Substantive fairness**, e.g. the fairness of the decision itself relative to criteria or obligations set by law (including case law), or how the actual provisions are set out in a formal contract setting; and

- **Relational fairness**, e.g. achieving a balance between the rights and interests of all parties, how people are treated during the decision making process (often the centre of a complaint).

The independent review of integrity issues and adherence to best practices in public sector procurement is a contemporary development that is designed to ensure fairness in the management of procurement initiatives, where fairness is defined as openness, competitiveness, and transparency.

In providing fairness consultancy services, BDO's approach and methodology includes a number of common elements, i.e.:

- reviewing the procurement methodology to be employed in the context of:
  - objectivity and diligence respecting evaluation criteria;
  - the proper use of assessment tools;
- monitoring decisions made, i.e. that decisions are made objectively, free from personal favouritism and political influence;
- assuring compliance with the assessment and selection process (ensuring that the evaluation teams follow the requirements for fair and equitable treatment of all proponents and follow the process that was detailed in the RFx);
- monitoring communications to proponents, including notification of changes in requirements;
- monitoring the confidentiality of proposals and evaluations (i.e. recognizing that the documentation arising from these initiatives, or received by the public sector in the development and conduct of its engagement of private sector interests in procurement initiatives, may have claims of privilege attached to them);
- monitoring the security of information (i.e. providing advice on the disclosure of any information while preserving the commitment to transparency and openness of the process);
- assessing and making recommendations on any situation that may present a real or perceived conflict of interest, within the project management or evaluation team, or relevant to any supplier's proposal or representation;
- monitoring the process for any potential conflict of interest that may arise throughout the RFx assessment, selection or contracting process;
- process monitoring, including:
  - the planning and conduct of proceedings;
  - facilitation, mediation or arbitration of contentious matters arising throughout the process;
  - assuring adequate debriefing of unsuccessful proponents.

In our approach, the Fairness Monitor Specialist activities may vary depending on the complexity of the project and could include:

- review of and attention to the planned conduct of proceedings;
- facilitation, mediation or arbitration of contentious matters that may arise throughout the process;
- recommendations on matters that require review of a specific policy or procedure;

- assessment of and recommendations on any situation that may present a real or perceived conflict of interest, within the project management or evaluation team, or relevant to any proponent proposal or representation;
- maintaining focus on objectives and outcomes;
- reporting on compliance and the overall integrity of the process;
- a review of the procurement methodology to be employed, including compliance with administrative policies and practices; transparency, inclusion, openness and fairness in the definition of requirements; the development and application of evaluation criteria applied to written proposals, oral presentations and demonstrations; scoring; and open communications with proponents.
- providing guidance on maintaining the confidentiality of all proposal and evaluation records and documents;
- assess and make recommendations on any situation that may present a real or perceived conflict of interest, within the project management or evaluation team, or relevant to any respondent's proposal or representation;
- monitor the process for any potential conflict of interest that may arise throughout the RFP assessment, selection or contracting process;
- make recommendations on any action or decision of the Evaluation Team;
- make recommendations on any policy or procedure that should be reviewed by the Project Authority
- provide reports at prescribed milestones attesting to the fairness of the process or identifying any fairness deficiencies.

When applying our methodology, BDO assesses the process, documentation and activities that are monitored based on a number of fairness principles specific to each stage in the procurement process.

These principles are documented against each phase of the fairness engagement in our fairness reports.

### 3 SELECTION PROCESS

The process used to select a winning proponent for the Union Station Enhancement Project (USEP) is as follows:

#### 3.1 Stage 1 – Request for Qualifications (RFQ 19-137).

- Six (6) submissions were received. The top four (4) highest scoring proponents were invited to continue to the next phase of the RFQ.
  - Evaluation of Financial Capacity to undertake the project. All four (4) pre-qualified proponents passed this phase.
- The pre-qualified proponents invited to participate in the RFP were:
  - GTA Transit Alliance
  - OneUnion Alliance
  - OnTrack Alliance

- Union Gateway Alliance
  
- Proposal for a Signalling Provider partner. In accordance with the RFP schedule, proponents were required to identify and submit their proposed Signaling Provider by April 21, 2020. All four (4) proponents complied and passed this phase and were invited to submit proposals.

### 3.2 Stage 2 – Request for Proposals (RFP 19-190).

- Step 1 - Compliance Review of Technical Submissions of the Proposals
- Step 2 - Review of the Proposal Submission Form and Applicable Declarations
- Step 3 - Review and Scoring of the Technical Submissions of the Proposals
  - All four (4) proponents submitted proposals on time by the deadline stipulated in the RFP.
  - Three (3) submissions were released to evaluation team members on June 1, 2020 for individual evaluation. One (1) submission, OneUnion Alliance, failed a compliance review. A letter of disqualification was issued on June 22, 2020.
  - Individual evaluations were conducted in the AWARD system.
  - Consensus meetings were conducted June 23 – 26, 2020. The evaluation team achieved consensus. All three (3) proponents were invited to continue in the competition.
- Step 4 - Compliance Review of the Commercial Submissions of the Proposals
  - All Three (3) proponents submitted the required information on time and were deemed to have complied with this step.
- Step 5 - Review and Scoring of the Commercial Submissions of the Proposals
  - All Three (3) proponents were evaluated and deemed to have passed this evaluation step.
- Step 6 - Review and Scoring of the First Round Collaborative and Behavioural Assessments (CBA)
  - Collaborative Behavioural Assessments were used to evaluate the proponent's understanding and commitment to collaborative working and the behaviours to demonstrate that understanding and commitment.
  - The CBA process used both qualitative and quantitative factors to evaluate proponents' organizational culture, understanding and demonstration of collaboration and to assess the degree to which the proponent teams represented alignment with the criteria.
  - The First Round CBA was comprised of three full days of meetings between each proponent team and the MX/IO team to discuss and collaboratively develop answers to a series of questions developed by a third party, BTTC. BTTC's role through the sessions was to:
    - Provide and manage Adobe Connect, the system used to conduct virtual meetings;
    - Introduce the topics and provide instructions to the participants;


- Set and monitor time allotments;
  - Observe and quantify behaviours;
  - Provide quantitative and qualitative feedback to the MX/IO team; and
  - Facilitate consensus scoring of each proponent.
- Evaluators entered their scores and comments in AWARD and the provided framework.
- Round 1 took place July 14-16, July 21-23 and July 28-30, 2020.
- Evaluators successfully achieved consensus scores for each of the three (3) proponents.
- Consensus meetings were conducted July 20, 23, 30 and August 4, 2020. The evaluation team achieved consensus.
- Step 7 - RFP Proposal Initial Scores was completed on August 7, 2020.
  - The results of CBA Round 1 were presented to the Evaluation Committee on August 7, 2020.
- Step 8 – The Evaluation Committee approved the recommendations of the Evaluation Team on August 7, 2020, which included identifying the proponents to proceed to the Second Round of Collaborative Behavioural Assessments.
  - Round 2 CBA took place September 9, 10, 14-17 and 21-24
  - Consensus scoring occurred in two tranches at the end of each week’s CBAs, September 9-11, 18, 25 and October 1, 2020;
- Step 9 - Review and Scoring the Second Round Collaborative Behavioural Assessments was presented to the Evaluation Committee on October 2, 2020. The EC accepted the Evaluation Team’s recommendation.
- Step 10 – Upon EC approval of the recommendations the Proponents were Ranked based on their Final Scores on October 2, 2020.

### 3.3 Activities Observed

BDO observed the following activities to date:

STAGE	ACTIVITY	OBSERVED	FAIR? Yes/No NA
<b>Stage 1 – Request for Qualifications (RFQ 19-137)</b>			
	Attend proponent meeting	Yes	Yes
	Issue RFQ	Yes	Yes
	Monitor communications during open period	Yes	Yes
	Attend Commercially Confidential Meetings	Yes	Yes



	RFQ Completeness review	Yes	Yes
	Review Evaluator Training Materials	Yes	Yes
	Attend Evaluator Training	Yes	Yes
	Participant Agreement and Undertaking	Yes	Yes
	RFQ Consensus meeting - Financial	Yes	Yes
	RFQ Consensus meeting - Technical	Yes	Yes
	Evaluator Sign-off / approval of Consensus scores in AWARD system	Yes	Yes
	Presentation to Evaluation Committee	Yes	Yes
Stage 1a – Proposal for Signalling Provider			
	Signalling Provider Consensus meeting – Pass/Fail	Yes	Yes
	Presentation to Evaluation Committee	Yes	Yes
Stage 2 – Request for Proposals (RFP 19-190)			
RFP Open Period			
	Attend proponent meeting	Yes	Yes
	Attend Commercially Confidential Meetings	Yes	Yes
	Issue RFP	Yes	Yes
	Monitor communications during open period	Yes	Yes
RFP Closed Period			
<b>Step 1</b>	<b>Compliance Review of Technical Submissions of the Proposals</b>	Yes	Yes
<b>Step 2</b>	<b>Review of the Proposal Submission Form and Applicable Declarations</b>	<del>No</del> NA	NA 
<b>Step 3</b>	<b>Review and Scoring of the Technical Submissions of the Proposals</b>	Yes	Yes

	RFP Consensus meeting - Technical	Yes	Yes
	Presentation to Evaluation Committee	Yes	Yes
<b>Step 4</b>	<b>Compliance Review of the Commercial Submissions of the Proposals</b>	Yes	Yes
<b>Step 5</b>	<b>Review and Scoring of the Commercial Submissions of the Proposals</b>	Yes	Yes
	RFP Consensus meeting - Commercial	Yes	Yes
	Presentation to Evaluation Committee	Yes	Yes
<b>Step 6</b>	<b>Review and Scoring of the First Round Collaborative and Behavioural Assessments (CBA)</b>	Yes	Yes
	Observe First Round CBA meetings	Yes	Yes
	CBA First Round Consensus meetings	Yes	Yes
<b>Step 7</b>	<b>Establishing a RFP Proposal Initial Score</b>	Yes	Yes
<b>Step 8</b>	<b>Determining the Second Round Proponents for Collaborative Behavioural Assessments</b>	Yes	Yes
<b>Step 9</b>	<b>Review and Scoring the Second Round Collaborative Behavioural Assessments</b>	Yes	Yes
	Observe Second Round CBA meetings	Yes	Yes
	CBA Second Round Consensus meetings	Yes	Yes
	Presentation to the Evaluation Committee	Yes	Yes
<b>Step 10</b>	<b>Ranking Proponents – RFP Proposal Final Score</b>	Yes	Yes

## 4 CONCLUSION AND ATTESTATION OF FAIRNESS

It is our professional opinion that the Request for Qualifications (RFQ 19-137) and Request for Proposals (RFP 19-190) process to form an Alliance for the Design and Construction of the GO Expansion – Union Station Enhancement Project that we observed to date, was carried out in a fair, open and transparent manner.

DocuSigned by:

*Stephen Whittaker*

Stephen Whittaker, Fairness Monitor  
October 8, 2020

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