

APPENDIX A

JD Campbell & Associates

Memo

To: Rob Court
Manager
Environmental Engineering
City of Regina

Regarding: Wastewater Treatment Plant Upgrade RFP # 2145

Introduction

This Memo presents a summary of our findings for the City of Regina Wastewater Treatment Plant Upgrade RFP. In our capacity as Fairness Advisor, we reviewed the communications, evaluations, and decision-making associated with the RFP process with a view to ensuring fairness, objectivity, transparency, and adequate documentation.

The objective of this procurement was to ensure, through a P3 Partnership, that the City of Regina have a modern and effectively operated facility to meet current and future requirements for the treatment of its wastewater. PPP Canada was also a funder for this Design, Build, Finance, Operate and Maintain (DBFOM) infrastructure project. Only the three Proponents that had been successful in a preceding Request For Qualifications (RFQ) were allowed to participate.

Our role, as Fairness Advisor was to review the City's procurement from the creation of the RFP to the selection of the Preferred Proponent. This monitoring entailed:

- Appropriateness of the RFP document from a fairness perspective;
- Consistency of Proponent treatment;
- Adherence of City staff and external advisors to conflict of interest and confidentiality requirement;
- Consistent information to Proponents and monitoring of Proponent meetings;
- Security of proposals and evaluation documents;
- Qualifications of the review teams;
- Objectivity and diligence respecting the submission review and evaluation process;

This Summary is based on our first hand observations of the processes used, a review of the procurement documents and information provided by the Project Team. It was prepared for the staff of the City of Regina. This Summary is, in no manner, to be considered a legal opinion.

Findings

As Fairness Advisor we can attest to the fact that;

- The RFP laid the foundation for a fair and equitable procurement process;

- During the open period, all Proponents were treated consistently and in accordance with the stipulations of the RFP;
- City staff and external advisors adhered to conflict of interest and confidentiality requirement;
- Submission reviews and evaluation were conducted using only the process and criteria stipulated in the RFP.

During the RFP process the following issues were given particular attention:

- **Communication** – The procurement documents were distributed to those who pre-qualified for this opportunity through successful competition in the previous RFQ process. A schedule was provided which identified a series of meetings, site visit and submission dates. The City showed flexibility throughout the process striking a balance between keeping the project on track while allowing consideration of Proponent requests for appropriate time within which to meet requirements.

All pertinent information was posted to an electronic Data Room such that Proponents could have ready access. One Contact person was identified with whom Proponents were to communicate.

- **Proponent Meetings** – A common Proponent Meeting was held along with a series of individual Proponent commercially confidential meetings. The purpose of the Proponent meetings was to receive Proponent feedback on the RFP's Project Agreement and to allow discussion and clarification of technical issues. The approach taken to the management of these meetings was consistent with that which had been defined in the RFP and ensured that no one Proponent received an informational advantage.
- **Site Visits** – Opportunity was provided for Proponents to visually inspect the site. For both Proponent meetings and site visits, Proponents were informed that questions requiring official response needed to be asked in writing.
- **Conflict of Interest** – Project Team members were bound by employment or contract obligation and were required to sign a confidentiality and conflict of interest declaration form. Proponents were also required to declare any such conflicts.
- **Confidentiality and Security of Documents** – Steps were taken to ensure that procurement materials and proposals were kept under lock and key when not in use. To our knowledge, no inappropriate information about the RFP documents, or the evaluations, was communicated to Proponents.
- **Incumbent Advantage** - Due diligence was done to ensure that no vendor had access to confidential information through past association with the City that might have represented an undue advantage. All relevant background and operational information was shared in the Data Room;
- **Full Disclosure** - The RFP and sample agreement, contained full description of deliverables, terms and conditions, evaluation process and background information such that adequate proposals could be created;
- **Consistency of Format** – Wording in the RFP encouraged Proponents to submit their submissions in a like manner to aid consistent evaluation;
- **Submission Review** - As a part of the process, Proponents were required to submit a series of interim submissions. The purpose of these reviews was to ensure the completeness and compliance of Proponent work-to-date with the RFP specifications. Feedback was given on the degree of compliance. No coaching, however, was allowed regarding how any such non-compliance issues should be solved. All Proponents received the same type of feedback.
- **Reserved Rights** – While the reserved rights for the City, as detailed in the RFPs, gave broad latitude to act in an arbitrary manner, our observation of the evaluation process was such that no unfair actions were taken;

- **Evaluator Qualifications** – Project staff provided assurance that members of submission review teams had been selected specifically for the relevance of their expertise.
- **Debriefings** – Provision was made for the debriefing of Proponents.

Outcome

- A Successful Proponent was identified on the basis on having submitted a materially compliant proposal and the lowest price. City staff, at this time, are proceeding with the finalization of the procurement process.
- The City has undertaken an appropriate procurement process that was fair for all proponents.



John Campbell
Managing Partner