# Table of Contents

1. Introduction ............................................................................................................. 1  
2. Project Requirement ............................................................................................ 2  
3. Attestation of Assurance ...................................................................................... 3  
4. Methodology ......................................................................................................... 4  
5. FM Activities and Observations ............................................................................ 5  
   5.1) Procurement Planning/Pre-Issue Stage ............................................................... 5  
   5.2) RFP Posting ........................................................................................................ 5  
   5.3) RFP Close ........................................................................................................... 6  
   5.4) Evaluation Instructions ...................................................................................... 6  
   5.5) Mandatory Review ........................................................................................... 6  
   5.6) Technical Evaluation ......................................................................................... 7  
   5.7) Price Evaluation and Proponent Selection ......................................................... 7  
   5.8) Communications and Debriefing ....................................................................... 7  
6. Reference Documents .......................................................................................... 8

1. INTRODUCTION

The Randle Reef Sedimentation Remediation Project is a multi-stage project with services being procured through up to six publicly tendered processes.

RFP Solutions Inc. was engaged on November 26th, 2013 as a Fairness Monitor (FM) to observe all stages of the competitive procurement processes associated with the Randle Reef Sediment Remediation Project. Each competitive procurement process will be subject to individual reporting.

This document reports the observations of the Fairness Monitor with respect to the competitive procurement process for Stage 1 Construction Engineering Services for the Randle Reef Sediment Remediation Project, issued by Public Works and Government Services Canada (PWGSC) as a result of Solicitation Number EQ754-141656/A.

RFP Solutions Inc. is an independent third party with respect to this activity.

We hereby submit this Final Report, covering the activities of the Fairness Monitor, commencing with the Draft RFP prior to posting on the Government Electronics Tendering System (BuyandSell.gc.ca), continuing through the response to enquiries from potential proponents leading to the proposal closing period, and finally the evaluation of proposals leading to the identification of the successful proponent.

The report includes our attestation of assurance, a summary of the scope and objectives of our assignment, the methodologies applied and relevant observations from the activities undertaken to date.
2. PROJECT REQUIREMENT

The Randle Reef Sediment Remediation Project is a multi-stage project to dredge and contain 630,000 m$^3$ of contaminated sediment to reduce the environmental impacts of contaminants including polycyclic aromatic hydrocarbons (PAHs) and heavy metals in Hamilton Harbour. The project will lead to the restoration and eventual delisting of the Hamilton Harbour as an Area of Concern.

Environment Canada (EC) is the lead agency for a group of funding partners involved in the project. The funding partners include the Ontario Ministry of the Environment, Hamilton Port Authority, U.S Steel, City of Hamilton, City of Burlington and Region of Halton. EC has contracted PWGSC to carry out the procurement and project management for the remediation.

The project will be completed in three distinct stages:

- **Stage 1** - Construction of a marine double wall Engineered Containment Facility (ECF) enclosure and a wharf at Pier 15. This includes dredging of contaminated sediments from between the walls and backfilling with clean rock fill.
- **Stage 2** - Dredging of contaminated sediments and depositing them within the ECF up to water level. Other remediation areas will be capped using both thin layer capping and isolation capping techniques.
- **Stage 3** - ECF sediment dewatering, capping above water level and consolidating of contaminated sediments within the ECF structure with engineered materials (stone, sand, geotextiles, geomembranes, pipes, asphalt etc.).

Project services are being procured through up to six publicly tendered processes:

- **Stage 1 Construction Engineering Services (Construction Supervisor)**;
- **Stage 1 Randle Reef Sediment Remediation (Construction Services)**;
- **Stage 2 Construction Engineering Services (Construction Supervisor)**;
- **Stage 2 Randle Reef Sediment Remediation (Dredging and Capping Services)**;
- **Stage 3 Construction Engineering Services (Construction Supervisor)**;
- **Stage 3 Randle Reef Sediment Remediation (Dewatering, Capping and Containment Services)**;
3. ATTESTATION OF ASSURANCE

The FM hereby provides the following unqualified assurance statement concerning the Randle Reef Sediment Remediation Project.

It is our professional opinion that the **Stage 1 – Construction Engineering Services Request for Proposal Process** we observed was carried out in a fair, open and transparent manner.

Steve Johnson
Managing Director, RFP SOLUTIONS INC.

Stephen Fleming, P.Eng.
Fairness Monitor Team Leader

Steve Johnson
Fairness Monitor Specialist
4. METHODOLOGY

In accordance with the terms of our engagement, we familiarized ourselves with the relevant documents, observed the pre-proposal solicitation, proposal solicitation and proposal evaluation activities identifying fairness-related matters to the Contracting Authority and ensuring that responses and actions were reasonable and appropriate. Section 5 of this report summarizes the specific activities and observations of the Fairness Monitor in respect of those activities.
5. FM ACTIVITIES AND OBSERVATIONS

5.1) PROCUREMENT PLANNING/PRE-ISSUE STAGE

We were engaged to begin FM activities commencing with the development of the RFP. A review of the drafts and final RFP documentation was conducted. This included a review of the:
- Proposal Requirements;
- Submission Requirements and Evaluation, including Evaluation and Rating;
- Price of Services; and
- Declaration/Certifications Form.

We provided assurance as to the impartiality of the Requirements, the objectivity of evaluation criteria and process; and the clarity of the documentation to support understandability by Proponents in preparing their Proposals, as well as to mitigate the potential for inconsistency or errors in the eventual application of evaluation criteria by the Evaluation Committee.

Observations
In reviewing the draft RFP documentation, fairness considerations were identified by the Fairness Monitor and discussed with the Contracting Authority. All of the fairness considerations were addressed in the RFP prior to issuance.

5.2) RFP POSTING

The RFP (dated December 10th, 2013) was issued to potential proponents via the Government Electronic Tendering System (buyandsell.gc.ca) on December 11th, 2013; the final closing date was on March 11th, 2014 at 2:00 pm Eastern Standard Time.

A total of 81 questions were received; responses to the questions were provided to all potential proponents as amendments via the Government Electronic Tendering System. A total of eight (8) amendments to the terms and conditions of the solicitation were issued; each was reviewed by the Fairness Monitor.

Observations
Fairness considerations were identified with respect to the responses to questions and amendments to the terms and conditions of the solicitation. All fairness considerations were discussed with the Contracting Authority and addressed prior to the issuance of respective amendments.
5.3) **RFP CLOSE**

The Fairness Monitor discussed the manner in which the proposal responses to the RFP were received and handled with the Contracting Authority.

**Observations**

Nine (9) proposals were received and handled in accordance with the submission and closing requirements stated in the RFP.

5.4) **EVALUATION INSTRUCTIONS**

Prior to proposal evaluations, the Fairness Monitor reviewed the evaluation guidelines, including evaluator responsibilities, code of conduct, security, confidentiality and conflict of interest requirements, and evaluation methodology.

The Fairness Monitor provided assurance as to the impartiality of evaluation methodology.

**Observations**

The Fairness Monitor reviewed the evaluation methodology and related requirements and observed no fairness considerations.

5.5) **MANDATORY REVIEW**

Following RFP closing, the review of the mandatory requirements was undertaken by PWGSC Real Property Contracting Directorate (RPCD) of the nine (9) proposals received. All nine (9) proposals were deemed to be responsive to the mandatory requirements stated in the RFP; thus these proposals were eligible to proceed to the technical evaluation stage.

The Fairness Monitor then reviewed the results to assess them against the requirements in the RFP.

**Observation**

Based on the Fairness Monitor’s review of the results of the assessment of proponents’ compliance with the mandatory requirements, the FM observed no fairness considerations.
5.6) TECHNICAL EVALUATION

The RFP required a minimum technical evaluation threshold to be deemed a responsive proposal and proceed to the financial evaluation. Each of the technical proposals that met the mandatory requirements was individually reviewed and scored by each evaluator. The evaluators then convened at a consensus meeting to identify the technical score of each of those proposals.

Six (6) of the nine (9) proposals achieved the minimum technical evaluation threshold to be deemed a responsive proposal and proceed to the financial evaluation.

The Fairness Monitor was present and monitored the technical evaluation consensus process. The Fairness Monitor provided assurance that it was undertaken in a consistent fashion and that the results reflect the consensus of all evaluation board members.

 Observation
The Fairness Monitor oversaw and reviewed the results of the technical evaluation and observed no fairness issues.

5.7) PRICE EVALUATION AND PROPOINENT SELECTION

In accordance with the RFP, a total evaluated fee was provided by the proponents, and selection of the successful proponent was based on the responsive proposal with the highest total score that placed a weighting of 60% on the technical rating and 40% on the price rating.

The Contracting Authority performed due diligence and verified the pricing details on the form provided by the proponent.

A financial evaluation summary sheet was prepared by the Contracting Authority and reviewed by the Fairness Monitor.

 Observation
The selection of the successful proponent was consistent with the provisions and methodology outlined in the RFP.

5.8) COMMUNICATIONS AND DEBRIEFING

This section will be completed as an Addendum to this report following contract award and, as requested, debriefing of proponents.
6. REFERENCE DOCUMENTS

The following documents are referenced by number in this report and unless otherwise indicated, are available through PWGSC.

<table>
<thead>
<tr>
<th>#</th>
<th>Document</th>
<th>Document Date/Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Request for Proposal - RR Stg 1 Construction Eng. Services</td>
<td>December 10th, 2013/EQ754-141656/A</td>
</tr>
<tr>
<td>2</td>
<td>Solicitation Amendment No. 001 - RR Stg 1 Construction Eng. Services</td>
<td>January 10th, 2014</td>
</tr>
<tr>
<td>3</td>
<td>Solicitation Amendment No. 002 - RR Stg 1 Construction Eng. Services</td>
<td>January 13th, 2014</td>
</tr>
<tr>
<td>4</td>
<td>Solicitation Amendment No. 003 - RR Stg 1 Construction Eng. Services</td>
<td>January 29th, 2014</td>
</tr>
<tr>
<td>5</td>
<td>Solicitation Amendment No. 004 - RR Stg 1 Construction Eng. Services</td>
<td>February 14th, 2014</td>
</tr>
<tr>
<td>6</td>
<td>Solicitation Amendment No. 005 - RR Stg 1 Construction Eng. Services</td>
<td>February 21st, 2014</td>
</tr>
<tr>
<td>7</td>
<td>Solicitation Amendment No. 006 - RR Stg 1 Construction Eng. Services</td>
<td>February 27th, 2014</td>
</tr>
<tr>
<td>8</td>
<td>Solicitation Amendment No. 007 - RR Stg 1 Construction Eng. Services</td>
<td>March 3rd, 2014</td>
</tr>
<tr>
<td>9</td>
<td>Solicitation Amendment No. 008 - RR Stg 1 Construction Eng. Services</td>
<td>March 5th, 2014</td>
</tr>
<tr>
<td>10</td>
<td>Evaluation Board Procedures – A Guide to the Evaluation Board</td>
<td>June 2012</td>
</tr>
<tr>
<td></td>
<td>(PWGSC)</td>
<td></td>
</tr>
<tr>
<td>11</td>
<td>Schedule of Proposals (Review of Mandatory Requirements)</td>
<td>March 11th, 2014</td>
</tr>
<tr>
<td>12</td>
<td>Evaluation Results Summary Report</td>
<td>April 2nd, 2014</td>
</tr>
</tbody>
</table>
Addendum to the Fairness Monitor Final Report dated May 26, 2014 pertaining to the competitive procurement process for the acquisition of Stage 1 Construction Engineering Services for the Randle Reef Sediment Remediation Project, issued by Public Works and Government Services Canada (PWGSC) as a result of Solicitation Number EQ754-141656/A.

This Addendum to the Fairness Monitor Final Report covers the period following the conclusion of the evaluation phase, proponent selection and subsequent cancellation. There were nine proposals received by PWGSC in response to this Request for Proposal (RFP). All nine proposals met the mandatory qualification requirements and eligible to proceed to the technical evaluation stage. Six of the nine proposals achieved the minimum technical evaluation threshold to be deemed a responsive proposal and proceed to the financial evaluation. A successful proponent was identified, however a contract was not awarded as a related procurement process, Invitation to Tender for Stage 1 Construction Services, was cancelled due to all compliant bids being higher that the estimated project budget.

As a result of this outcome, it was determined to further consult with industry to explore options that will meet the overall objectives of the project as a whole within the available budget.

A new RFP process for Construction Engineering Services will proceed when revised project requirements have been finalized for the Stage 1 Construction Services tender.

Attestation of Assurance

The FM hereby provides the following unqualified assurance statement concerning the Randle Reef Sediment Remediation Project.

It is our professional opinion that the Stage 1 Construction Engineering Services Request for Proposal Process we observed, was carried out in a fair, open and transparent manner.

Steve Johnson
Managing Director, RFP SOLUTIONS INC.

Stephen Fleming, P.Eng.
Fairness Monitor Team Leader

Steve Johnson
Fairness Monitor Specialist