

The Blue Mountains Attainable Housing Corporation
**Request For Proposals (RFP) for
A Design-Builder for
The Blue Mountains Attainable Housing Gateway Project**

**Fairness Advisor's Report
February 17, 2023**



TABLE OF CONTENTS

1	Project Highlights	1
1.1	Project Background and Objectives.....	1
1.2	Fairness Engagement Scope of Work.....	1
2	Request for Qualifications	3
2.1	Development of the Request for Qualifications.....	3
2.2	RFPQ Open Period Process.....	3
2.3	RFPQ Evaluation Preparation	3
2.4	RFPQ Submission Receipt and Completeness	3
2.5	Evaluation of the Technical and Financial RFPQ Responses.....	4
2.6	RFPQ Evaluation Outcome	4
2.7	Debriefing.....	5
3	Request for Proposals	6
3.1	Development of the Request for Proposals.....	6
3.2	RFP Open Period Process.....	6
3.3	RFP Evaluation Preparation	6
3.4	RFP Submission Receipt and Completeness	5
3.5	Evaluation of the Technical and Financial RFP Submissions.....	5
3.6	RFP Evaluation Outcome.....	5
4	Conclusion	6

1 Project Highlights

1.1 Project Background and Objectives

The Blue Mountains Attainable Housing Corporation (“BMAHC”) released a Request for Prequalification # 2020-02-PQ-BMAHC (“RFPQ”) on December 16, 2020 in order to identify and select by means of qualification, experienced design-build firms who will then be invited to submit a Proposal for the proposed development at 171 King St. E. in Thornbury, the ‘Gateway’ Project (the “Project”).

The Request for Proposals (“RFP”) was released on June 17, 2022. The RFP sought upon the review of the Submissions, to identify a Successful Proponent to enter into an Agreement for the Preliminary Design Development phase of the Project.

Overview of Intent

The vision for the Project is an attractive and attainable development featuring sustainable and quality construction and design excellence that relates, responds, and contributes to the local context. The mixed-use and mixed-income development will incorporate attainable and market rental housing with ground-floor commercial space and open space opportunities to create an inclusive, and socially and physically connected community. There is strong community interest in the Project due to its prominent and visible location as a ‘gateway’ to the Thornbury community in addition to the Project being the first development by BMAHC.

The Project consists of a mixed-income purpose-built rental building with approximately 84 market and attainable units in a mix of studios, one-, two-, and three-bedroom units. All units will be designed to the same standard regardless of target income with a focus on quality and value. The Project will provide approximately 12,500 sq.ft. of non-residential space at grade for small-scale commercial or institutional uses which may include office, retail, café, community services, or other uses. Indoor and outdoor amenity space and connections to existing trails and community amenities will support a vibrant and connected community. The site is municipally known as 171 King Street East in Thornbury within the Town of The Blue Mountains, Ontario.

The site is approximately 1.11 ha (2.74 acres) in size. The intent is to design and develop the Project as closely as possible to the existing provisions of the Official Plan and Zoning Bylaw.

1.2 Fairness Engagement Scope of Work

P1 Consulting was retained to perform Fairness Advisory services and provide an independent attestation on the procurement process. Our mandate is to review and monitor the bid documents and communications, provide advice on best practices, review and monitor the evaluation and decision-making processes to ensure fairness, equity, objectivity, transparency and adequate documentation throughout the evaluation process. As Fairness Advisors we are also to attend, observe and provide guidance at meetings. In particular, in

our role as Fairness Advisor, we ascertained that the following steps were taken to ensure an open, fair and transparent process related to the Project:

- **Industry One-on-One Meetings**

P1 Consulting reviewed the approach to the one-on-one, pre-procurement market sounding meetings and attended each meeting to confirm that they were conducted in a fair and consistent manner.

- **Review of the RFPQ, RFP and Addenda:**

P1 Consulting reviewed the RFPQ, RFP, and addenda and all other relevant documents related to the procurement process to ensure that the requirements were met.

- **Review of Requests for Clarification (RFCs), Questions and Answers (Q&As):**

P1 Consulting reviewed all Q&As and the responses submitted to the Proponents. P1 Consulting also reviewed any RFCs submitted by BMAHC along with their responses.

- **RFPQ and RFP Submission Deadline:**

P1 Consulting reviewed the closing process for the RFPQ and RFP submission deadlines, as well as provided input, where relevant, into the subsequent completeness review.

- **Review of Evaluation Criteria and Procedures:**

P1 Consulting reviewed the evaluation criteria and procedures for the RFPQ and RFP to ensure that the requirements were met.

- **Advice on Best Practices:**

P1 Consulting attended training sessions to ensure that all project team members were provided with briefings on best practices including the principles and duties of fairness, care and protection of confidential information, avoidance and disclosure of conflict of interest, bias and undue influence, scoring procedures and sign-off on individual scoring sheets, preparation, treatment and retention of evaluation documents.

- **Evaluation Meetings:**

P1 Consulting observed and documented evaluation meetings of the submissions, including the consensus sessions of the technical and financial evaluation teams. Additionally, during the evaluation process, we provided verbal and written advice with respect to fairness, objectivity, consistency of process, conflict of interest and confidentiality to ensure strict accordance with the specifications and criteria set out in the RFPQ and RFP documents.

- **Proponent Interaction:**

P1 Consulting attended and monitored all briefing sessions and commercially confidential meetings with Proponents.

All of the tasks above were completed in a manner that was fair, open and transparent.

2 Request for Qualifications

2.1 Development of the Request for Qualifications

P1 Consulting reviewed the RFPQ our comments related to fairness were satisfactorily addressed by BMAHC, prior to issuance. We confirm that, from a fairness perspective, the requirements were clear and the RFPQ provided the Respondents a fair process.

2.2 RFPO Open Period Process

Throughout the RFPQ open period, BMAHC responded to the questions from the Respondents and issued addenda to provide greater clarity on the requirements and process. P1 Consulting reviewed all documents prior to posting to confirm that they were acceptable from a fairness perspective.

2.3 RFPO Evaluation Preparation

The evaluation process and roles and responsibilities of all participants in the RFPQ evaluation process was documented within BMAHC's internal evaluation procedure. The procedures were finalized prior to any RFPQ evaluation activity being undertaken. P1 Consulting reviewed the procedures and confirmed that all our fairness comments were satisfactorily addressed prior to the evaluation procedures being distributed to the evaluators.

The evaluation team was established in advance of any evaluation activity. All participants in the evaluation process were required to participate in a training session in preparation for their role in the process. Each participant was required to sign a conflict of interest declaration, which included a continued commitment to the avoidance of conflicts and respect of confidentiality commitments. Project participants were notified of the appointment of a Fairness Advisor. Any matters related to actual, potential or perceived conflicts of interests were reviewed and cleared prior to the individual's participation in the evaluation. There were no conflicts identified which prevented a party from participating in the RFPQ evaluation.

2.4 RFPO Submission Receipt and Completeness

The RFPQ Response Submission Deadline was 2:00 pm, February 2, 2021. Responses were submitted at BMAHC of Town's Electronic Bidding System <https://thebluemountains.bidsandtenders.ca> (Bidding System). Ten (10) submissions were received in advance of the Submission Deadline from the following Respondents:

- Tambro
- Dineen Construction
- Prime Design Build
- W.S. Morgan Construction Limited
- JR Certus Construction Co. Ltd.
- EllisDon Corporation
- Buttcon Limited

- Matheson Constructors Limited
- Percon Construction Inc
- R-Hauz Housing Solutions

The procurement team undertook a review to confirm that the submissions were substantially complete.

All Submissions met the mandatory requirements in accordance with the RFPQ and therefore all evaluation participants were granted access to the Submissions.

2.5 Evaluation of the Technical and Financial RFPQ Responses

Each member of the evaluation team undertook an individual evaluation and scoring of RFPQ Submissions against the rated criteria included in the RFPQ. Subsequent to completion of the individual evaluations, a consensus evaluation process was used to evaluate the Submissions, using the established evaluation criteria and evaluation rating scales. The participants engaged in a fulsome exchange of views leading to evaluation results, which were agreed to by the evaluators for each Respondent team. All participants performed their roles diligently throughout the evaluation process.

P1 Consulting attended all of the consensus meetings and observed that the proceedings were in accordance with the RFPQ and Evaluation Framework. P1 Consulting confirms that the process was fair, transparent and unbiased.

The following eight (8) Respondents met the minimum required score of 70/100 and proceeded to the ranking of the Respondents:

- Tambro
- Prime Design Build
- W.S. Morgan Construction Limited
- EllisDon Corporation
- Buttcon Limited
- Matheson Constructors Limited
- Percon Construction Inc
- R-Hauz Housing Solutions

Based on the final scores from the consensus discussions, BMAHC undertook reference checks for the top four (4) ranked Respondents. Following the reference checks, all four Respondents were invited to proceed to the RFP stage.

2.6 RFPQ Evaluation Outcome

The outcome of the RFPQ evaluation was the shortlisting of the following Respondent teams to proceed to the subsequent RFP stage:

- Matheson Constructors Limited
- Percon Construction Inc
- R-Hauz Housing Solutions
- EllisDon Corporation

2.7 **Debriefing**

In accordance with the RFPQ, BMAHC offered the unsuccessful Respondents a debriefing session following the conclusion of the RFPQ evaluation process. P1 Consulting monitored the debriefing session and confirms that it was conducted in an open and fair manner.

3 Request for Proposals

3.1 Development of the Request for Proposals

P1 Consulting reviewed the RFP prior to its posting and our comments related to fairness were satisfactorily addressed by BMAHC, prior to issuance. We confirm that, from a fairness perspective, the requirements were clear and the RFP provided the Proponents a fair process.

Prior to the release of the RFP, a shortlisted Respondent, EllisDon, informed BMAHC that they would no longer participate in the process. In accordance with the RFPQ, BMAHC exercised their right to invite the fifth ranked Respondent, Buttcon Limited, to participate in the RFP process. As a result, the RFP was released to the following Proponents:

- Buttcon Limited,
- Matheson Constructors Limited
- Percon Construction Inc
- R-Hauz Housing Solutions

3.2 RFP Open Period Process

Throughout the RFP open period, BMAHC responded to Q&As from the Proponents and issued addenda to provide greater clarity on the requirements and process. P1 Consulting reviewed all documents that were posted to confirm that they were acceptable from a fairness perspective. A P1 Consulting representative attended the Information Meeting, as well as all Commercially Confidential Meetings held during the RFP open period. P1 Consulting confirms that the proceedings were consistent and in accordance with the RFP.

During the RFP open period, the following three (3) Proponents informed BMAHC that they were withdrawing from the RFP process: Matheson Constructors Limited, Percon Construction Inc, and R-Hauz Housing Solutions.

3.3 RFP Evaluation Preparation

The evaluation process and roles and responsibilities of all participants in the RFP evaluation process was documented by BMAHC. The evaluation procedures were finalized prior to any RFP evaluation activity being undertaken. P1 Consulting reviewed the evaluation process documents and confirmed that all our fairness comments were satisfactorily addressed prior to the documents being distributed to the evaluators.

All participants in the evaluation process, including evaluators and subject matter experts were required to participate in a training session in preparation for their role in the process. Each participant was required to sign a conflict of interest declaration, which included a continued commitment to the avoidance of conflicts and respect of confidentiality commitments. Project participants were notified of the appointment of a Fairness Advisor. Any matters related to actual, potential or perceived conflicts of interests were reviewed and cleared prior to the individual's participation in the evaluation. There were no conflicts identified which prevented a party from participating in the RFP evaluation.

3.4 RFP Submission Receipt and Completeness

The RFP Submission Deadline was December 2, 2022 at 2:00 pm EST. Submissions were submitted electronic Submissions via wetransfer link (<https://wetransfer.com/>) to the RFP Coordinator. One Submission was received in advance of the Submission Deadline from the following Proponent:

- Buttcon Limited

The Submission met the substantial completeness requirement in accordance with the RFP and evaluation procedure documents, and so all evaluation participants were granted access to the Submission.

3.5 Evaluation of the Technical and Financial RFP Submissions

The evaluation team undertook an individual evaluation and scoring of RFP Submissions against the rated criteria, which were based on the Evaluation Criteria included in the RFP and BMAHC's supplementary evaluation documentation. Subsequent to completion of the individual evaluations, a consensus evaluation process was used to evaluate the Submission using the established evaluation criteria and evaluation rating scales. The participants engaged in a fulsome exchange of views leading to evaluation result, which were agreed to by the evaluators for the Proponent. All participants performed their roles diligently throughout the evaluation process.

The evaluations were undertaken sequentially. The technical evaluation was undertaken first, followed by the financial evaluation. P1 Consulting attended all of the consensus meetings and observed that the proceedings were in accordance with the RFP and Evaluation Framework. P1 Consulting confirms that the process was fair, transparent and unbiased.

3.6 RFP Evaluation Outcome

As a result of the evaluation process and in accordance with the RFP, BMAHC invited Buttcon Limited to commence negotiations, with the ultimate aim of entering into an Agreement for the Preliminary Design Development phase of the Project.

4 Conclusion

Our fairness review was conducted without influence and as of the date of this report, we confirm that we are satisfied that, from a fairness perspective, the processes undertaken related to the Blue Mountains Attainable Housing Gateway Project RFP have been conducted in a fair, open and transparent manner. As Fairness Advisor for this Project, we are satisfied that BMAHC have followed the procedures in accordance with the applicable RFP, and policy documentation and that the participants followed the procedures and fairly applied the evaluation criteria.



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