

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

February 8, 2022

Attention: Michael Inch
 Vice-President, Procurement

Subject: **Final Fairness Report – Request for Proposal (“RFP”) Stage for the RER On-Corridor Project RFP No. 18-194**

Dear Michael:

OPTIMUS|SBR was engaged as the Fairness Monitor to review, observe and confirm the processes of communication, evaluation and decision-making associated with the procurement process for the Request for Proposals for the RER On-Corridor Project RFP No. 18-194, issued by Infrastructure Ontario. Our role related to ensuring openness, fairness, consistency and transparency from the RFQ transition through to the conclusion of the Project RFP process.

OPTIMUS|SBR hereby presents its final procurement fairness attest report to Infrastructure Ontario at the conclusion of the RFP stage in the procurement process, describing how the procurement process has complied with RFP requirements. The following chart included below is in accordance with Infrastructure Ontario’s procurement guidelines. It summarizes our involvement and findings:

Stage	Task	Fair (Yes / No)
Pre- RFP		
1.	The procurement documents, including the evaluation tools, were reviewed and were deemed to be consistent with the guidelines established by Infrastructure Ontario and the Procurement Framework	Yes
2.	The RFP open period was consistent with the Procurement Framework	Yes
3.	The time and place of the closing were clearly identified in the procurement documents	Yes
RFP Open Period		
4.	Procurement documents were made available in an open and equitable manner	Yes

Stage	Task	Fair (Yes / No)
5.	Mandatory meetings were clearly identified in the procurement documents and there were no meetings of which all Proponents were not notified	Yes
6.	Answers were made available to all Proponents for all questions that were submitted through the Request for Information protocols	Yes
7.	Infrastructure Ontario confirmed that the requisite information would be made available regarding the results of the procurement	Yes
8.	All participants confirmed their adherence to the conflict of interest and confidentiality requirements throughout the RFP Open period	Yes
9.	Protocols were in place to control access to information as appropriate, including protection of Commercially Confidential information	Yes
10.	Proponents confirmed their adherence to the conflict of interest and confidentiality requirements in their submissions	Yes
11.	The submissions were logged and recorded upon receipt, clearly confirming Proponent submissions were received on time	Yes
12.	The composition of the Evaluation Committee adhered to the Evaluation Framework document	Yes
13.	There was a protocol in place to ensure that document confidentiality was maintained	Yes
Post-RFP Close		
14.	The evaluation criteria and process were included in the RFP	Yes
15.	The evaluation and scoring guideline were finalized prior to the start of evaluation activities	Yes
16.	Evaluators were trained on the evaluation tools	Yes
17.	Interviews were conducted in an unbiased manner and in accordance with the RFP and Evaluation Framework	Yes
18.	All subject matter expert reports were reviewed prior to being distributed to evaluators	Yes
19.	Evaluations were done in an unbiased manner and in accordance with the RFP and Evaluation Framework	Yes
20.	The selection of the "First Negotiations Proponent" was approved according to the RFP documents and Evaluation Framework	Yes
Post-RFP Evaluation		
21.	Upon request, debriefings are to be provided for all unsuccessful Proponents and offered for the successful Proponent.	Yes

Observations and Findings

The procurement process is established clearly in Infrastructure Ontario's Project RFP and Evaluation Framework. The evaluation process and criteria described in the documents were applied consistently and equitably. In the final evaluation discussions, the evaluators demonstrated that they had been diligent in their responsibilities, that they were able to support their individual evaluation assessments and that they held no bias for or against any Respondent. There were no unresolved issues at the RFP stage of the procurement. Consensus was reached and confirmed by all evaluators. An official record was produced to document the evaluation and scoring consensus decisions, including the supporting rationale.

Conclusion

As a result of the Evaluation Team consensus processes, and presentations to the Evaluation Committee on February 3 and 8 2022, an approval of the RFP evaluation results and identification of a First Negotiations Proponent was achieved. OPTIMUS|SBR confirms that the identified First Negotiations Proponent successfully satisfied the requirements of the RFP evaluation process and was the highest scoring Proponent in this process.

As the Fairness Monitor for the Project, we certify that the principles of openness, fairness, consistency and transparency have been, in our opinion, properly established and maintained throughout the procurement process. Furthermore, we were not made aware of any issues that emerged during the process that would impair the fairness of this initiative.

As Fairness Monitor, we attest that:

- a) the Project RFP process was conducted in accordance with the provisions of the RFP, and met the fairness and transparency requirements established in the RFP and other related policies of Infrastructure Ontario and the Government of Ontario.
- b) the Sponsors' personnel and external advisors adhered to Infrastructure Ontario's conflict of interest and confidentiality requirements, and
- c) all Proponents were treated consistently in the evaluation process and in accordance with the Project RFP and the established principles of fairness, openness and transparency.

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 Katelyn Scott Lead Fairness Monitor Senior Associate, Procurement and Fairness Advisory Services	 Greg Dadd Corporate Lead Principal, Procurement and Fairness Advisory Services
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