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From OLRT Bid Evaluation Steering Committee **Date** October 9, 2018

To [Evaluation Manager](#)

Introduction

The consensus results of the Technical Evaluation Team were presented to the OLRT Bid Evaluation Steering Committee (**BESC**) by the Evaluation Team Lead on October 3, 2018.

After completing Due Diligence on those results, the BESC has identified the following issues and questions. As such, the BESC is hereby issuing a formal direction pursuant to Section 2.3(5)(e) of the Evaluation Framework to resolve the specific issues and questions outlined herein.

The Evaluation Manager is hereby directed to provide instructions to the Technical Evaluation Team to re-convene, review, and to the extent necessary, re-evaluate all of the Technical Submissions. As noted in Section 2.3(6) of the Evaluation Framework, once these instructions are conveyed to it, the Technical Evaluation Committee is instructed to convene in a meeting that is similar to a consensus meeting to resolve the specific issues and questions raised below and, once consensus achieved, have the resolutions presented to the BESC. The Fairness Commissioner will be present at this meeting.

We confirm the Fairness Commissioner has reviewed this written direction.

We would ask the Evaluation Team Lead to acknowledge this direction by executing the acknowledgment form at the end of this written direction.

1 Issues

1.1 Approach to Scoring/Methodology

In order to conduct its Due Diligence, the BESC would like to better understand the Technical Evaluation Team's approach to scoring and the methodology that was applied in reaching the percentage scores indicated in the consensus worksheets. The Evaluation Team Lead should be prepared to present to the BESC at the next Due Diligence session the overall approach and methodology used by Technical Evaluation Team to reach the scoring indicated in the consensus worksheets. The BESC would like to understand how the methodology aligns with the general expectation, explained below, that technical categories of a proposal designated as conformant should start with a presumptive passing mark, with the Technical Evaluation Team then reaching a consensus score based on the positive and negative attributes of the specific Technical Submission in that category. Clarity as to the methodology and approach of the Technical Evaluation Team is required generally, and in particular in the case when a Proponent receives a grade that is below the required "pass" threshold for any category.

1.2 Importance of RFP Schedule 3 Part 1 Technical Submission Requirements

The RFP makes it clear that the Sponsor will conduct the evaluation process in accordance with the steps outlined in the RFP and contemplated in Part 3 of Schedule 3 to this RFP. In particular, Technical Submissions are evaluated and scored in accordance with Parts 1 and 3 of Schedule 3 to this RFP. The Technical Evaluation Team is reminded that a Technical Submission must be evaluated against the submission requirements outlined in RFP Schedule 3 Part 1 Technical Submission Requirements. As will be outlined in the specific questions below, the BESC requests that, in the identification of weaknesses of a Technical Submission (which the BESC has interpreted to be "negative attributes" as described in the Evaluation Framework), specific reference be made to the way that the Technical Submission fails to



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meet the requirements that are specifically described or otherwise required by the RFP Schedule 3 Part 1 Technical Submission Requirements. Other considerations, such as personal preferences to a particular design or construction solution, should not, in the BESC's view, be relevant to the identification of proposal weaknesses.

1.3 Scoring Grid

The BESC notes that the Evaluation Framework (see p. 54) provides a scoring grid which provides a description of various grades, possible score ranges attributable to each score and a general description of the scores. This scoring grid is provided because "it may be a useful reference" to ensure some consistency of grading as between Technical Proposal elements. That said, BESC does not interpret the scale as being binding on evaluators, and, as the Evaluation Framework indicates, it cannot have the effect of supplanting to overall goal of reviewing the proposals as against the requirements in RFP Schedule 3 Part 1 Technical Submission Requirements.

In particular, the grid should be interpreted in light of the following guidance under the General Instructions – Technical Evaluation:

Evaluators should note that a finding by the Technical Conformance Team that a Proponent's **design** [*emphasis added*] is conformant, which will be vetted by the OLRT Bid Evaluation Steering Committee, a Proponent has attained a presumptive **design** [*emphasis added*] score of 70%. The Technical Evaluation Team may nonetheless assess a score of more or less than 70%, at its discretion.

From the consensus score presentation, the BESC understands that the Technical Evaluation Team was interpreting the phrase "design" in the extract above as "Design Submission", one of the specific evaluation categories in the RFP. The BESC believes the use of the phrase "design" in this context was meant to convey a broader intent. Specifically that is to say, in the event the Technical Submission is conformant, a Proponent has attained a presumptive Technical Submission score of 70% for the relevant component of the Technical score. The Technical Evaluation Team may nonetheless assess a score of more or less than 70%, at its discretion. Regardless, in keeping with the general requirement of reviewing the proposals as against the requirements in RFP Schedule 3 Part 1 Technical Submission Requirements, to the extent that the Technical Evaluation Team provides a mark that is below the passing threshold, it is incumbent on it to specifically describe how the Proponent has failed to demonstrate that it can deliver the relevant RFP Schedule 3 Part 1 Technical Submission Requirements.

1.4 Effect of Generic and Poorly Written

Narrative that is "very brief", "generic" and "poorly written" (as described and suggested often in the consensus worksheets presented to the BESC) should not routinely be deemed to fall within the Poor or Very Poor scoring categories. While it may prevent a Proponent from achieving Good or Very Good scores, in the context of the overall project, a written commitment to meet the obligations in the output specifications and/or the submission requirements outlined in RFP Schedule 3 Part 1 Technical Submission Requirements is suggestive that Proponent has met a "marginal" level of compliance in that it has demonstrated "a minimally adequate level of understanding that may allow the delivery of the Project".

1.5 Scope of the Technical Evaluation

As stated above, the Technical Evaluation stage is limited to evaluating the four corners of the Technical Proposals as they relate to the RFP Schedule 3 Part 1 Technical Submission Requirements. Considerations such as the financial implications of certain non-conformances and the potential challenges that could be faced in the first negotiations proponent period with a particular Technical



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Submission fall outside of the scope of the Technical Evaluation phase and should no impact on the evaluation of a Technical Submission.

Similarly, the successful Proponent will be bound by the RFP and the Project Agreement which forms part thereof. The Technical Evaluation Team should not, therefore, give any consideration to whether certain statements in the Technical Submission might diminish a Proponent's obligations or risk profile under the Project Agreement as any such statements have no legal meaning or impact. For clarity, the Technical Submission does not override or change any provisions in the Project Agreement.

1.6 Failure of Certain Specified Individuals to Meet Minimum Criteria

Where the Technical Evaluation Team has determined that a particular individual does not have the requisite level of experience or minimum number of years of experience, can they provide a specific scoring impact that this determination had on the overall score in the particular category and the score the Technical Submission category would have received had the individual been deemed acceptable to the Technical Evaluation Team.

2 Questions – TNext

In addition to the issues raised above, the following specific questions arose during the review of the technical evaluation consensus worksheets for the TNext Technical Submission.

2.1 General Approach - Project Management Plan

- 1) It is the view of the BESC that none of the RFP Schedule 3 Part 1 Technical Submission Requirements make reference to "continuity with the Stage 1 Confederation Line" requirement – with reference to your scoring methodology how was this considered and what negative impact did it have on the overall score for this section?
- 2) It is the view of the BESC that nothing in the RFP Schedule 3 Part 1 Technical Submission Requirements requires that the PMP statements in this section be substantiated by other sections in the submission - with reference to your scoring methodology how was this considered and what negative impact did it have on the overall score for this section (or for that matter other sections)?
- 3) What does the Technical Evaluation Team mean by the reference that "the Organization Chart doesn't show a link between the design and construction team and the M&R team" – without having reviewed the actual organization chart in question, the BESC would assume that the link is present at the Project Co level in that they both report to Project Co - with reference to your scoring methodology how was this considered and what negative impact did it have on the overall score for this section?

2.2 Integrated Management System

- 4) It is the view of the BESC that none of the RFP Schedule 3 Part 1 Technical Submission Requirements make reference to an "observable feedback loop for City comments" requirement – with reference to your scoring methodology how was this considered and what negative impact did it have on the overall score for this section?

2.3 Construction Communications and Stakeholder Engagement

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- 5) It is the view of the BESC that none of the RFP Schedule 3 Part 1 Technical Submission Requirements require a Proponent to list the specific Stakeholders – with reference to your scoring methodology how was this considered and what negative impact did it have on the overall score for this section?

2.4 Works Schedule PBS-1

- 6) What is meant by “does not articulate the critical path to substantial completion”? Is any critical path identified at all? With reference to your scoring methodology, how was this considered and what negative impact did it have on the overall score for this section?
- 7) The Early Works start date should not be considered by the evaluators. With reference to your scoring methodology, how was it considered and what negative impact did it have on the overall score for this section?
- 8) Fully coordinated design packages are a Project Agreement requirement and cannot be altered by the Technical Submission. With reference to your scoring methodology, how was this considered and what negative impact did it have on the overall score for this section?

2.5 Risk Management Plan

- 9) It is the view of the BESC that RFP Schedule 3 Part 1 Technical Submission Requirements do not require a Proponent to focus on Project Co risks specifically and a reasonable interpretation would be to City risks or other risks more generally speaking. With reference to your scoring methodology, how was this considered and what negative impact did it have on the overall score for this section?

2.6 Systems Integration Management Plan

- 10) Given that the RFP Schedule 3 Part 1 Technical Submission Requirements specifically called for a high-level description, the identified weakness of this section being “without adequate level of detail” seems in appropriate in the view of BESC. With reference to your scoring methodology, how was this considered and what negative impact did it have on the overall score for this section?

2.7 Civil and Guideway Design Submission

- 11) It is the view of the BESC that the RFP Schedule 3 Part 1 Technical Submission Requirements do not require consideration for snow storage, clearance and handling. With reference to your scoring methodology, how was this considered and what negative impact did it have on the overall score for this section?
- 12) Why is a minimum discussion of noise and vibration considerations considered a weakness? It is the view of the BESC that the RFP Schedule 3 Part 1 Technical Submission Requirements do not require anything particular in this regard. With reference to your scoring methodology, how was this considered and what negative impact did it have on the overall score for this section?
- 13) The Technical Evaluation Team is reminded that the Rideau River Bridge risk profile as contained in the Project Agreement cannot be altered by the Technical Submission, irrespective of the lack of rehabilitation work planned in the Technical Submission. With reference to your scoring methodology, how was this considered and what negative impact did it have on the overall score for this section?

2.8 Systems Design Submission

- 14) It is the view of the BESC that the RFP Schedule 3 Part 1 Technical Submission Requirements do not require Proponents to provide a specific solution and detail of the Signalling and Train Control system. Proponents are free to determine their own procurement strategy and if they wish to procure the specific Signalling and Train Control system after award of the project they are free to do so. With reference to your scoring methodology, how was the lack of specificity considered and what negative impact did it have on the overall score for this section?

2.9 New Walkley Yard Design Submission

- 15) The fact that Operator spaces are positioned far from the train stable area and that parking facilities and approach to the front entrance do not translate into an intuitive path and that the front entrance is at opposite end of the building to the street entrance are not specified as prohibited items in the PSOS. With reference to your scoring methodology, how were these non-PSOS preferences considered and what negative impact did it have on the overall score for this section?
- 16) It is the view of the BESC that there is no requirement in RFP Schedule 3 Part 1 Technical Submission Requirements to address the lifecycle and durability of any temporary tent structures. With reference to your scoring methodology, how was this considered and what negative impact did it have on the overall score for this section?
- 17) It is the view of the BESC that neither the PSOS nor the RFP Schedule 3 Part 1 Technical Submission Requirements prohibited a Proponent from having multiple fueling stations or to minimize environmental contamination concerns in this regard. With reference to your scoring methodology, how were these non-PSOS preferences considered and what negative impact did it have on the overall score for this section?

2.10 Vehicle Fleet Design Submission

- 18) The Technical Evaluation team should seek guidance from the appropriate SME as to the views on Alstom information required to progress the design and integration of the on-board equipment.
- 19) The requirement in RFP Schedule 3 Part 1 Technical Submission Requirements is for the Proponent to “provide a written narrative describing Project Co.’s experience and proposed approach for integrating the train control and communications systems into the existing vehicle” – it is the view of the BESC that this does not require Proponents to provide a specific solution and detail of the Signalling and Train Control system. With reference to your scoring methodology, how was the lack of specificity considered and what negative impact did it have on the overall score for this section?

2.11 System Testing and Commissioning Plan

- 20) The fact that the Technical Submission indicates that Trial Running is not a “test” could simply be a matter of semantics, once again Proponents will be required to meet the requirements of the Project Agreement, which include Trial Running, irrespective of whether they believe Trial Running is a test or not. With reference to your scoring methodology, how was this considered and what negative impact did it have on the overall score for this section?

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- 21) What does it mean to say as a weakness that the Technical Submission “provides no recognition of specific training requirements”? With reference to your scoring methodology, how was this considered and what negative impact did it have on the overall score for this section?
- 22) What detail was the Technical Evaluation Team expecting with respect to the process to be followed leading to the request to the Independent Certifier for the issuance of the Substantial Completion Certificate? With reference to your scoring methodology, how was this considered and what negative impact did it have on the overall score for this section?

2.12 Maintenance & Rehabilitation Approach to Part 1 of Schedule 15-3 of the Project Agreement

- 23) It is the view of the BESC that the fact that the M&R team will only be mobilized in May 2021 can simply indicate a scope split by the Proponent between M&R and construction teams after Financial Close. This should not be strictly interpreted as a failure to outline “the approach to mobilization of the Maintenance and Rehabilitation Services for the System Infrastructure before the Revenue Service Commencement and for further certainty Existing System Infrastructure transferred after Financial Close”. With reference to your scoring methodology, how was this considered and what negative impact did it have on the overall score for this section?

2.13 Maintenance & Rehabilitation Approach to Appendix B (Asset Preservation) to Schedule 15-3 of the Project Agreement

- 24) It is the view of the BESC that the PSOS does not prohibit leaving assets in service past their OEM based recommendation. With reference to your scoring methodology, how was this considered and what negative impact did it have on the overall score for this section?
- 25) It is the view of the BESC that the RFP Schedule 3 Part 1 Technical Submission Requirements do not require a reference to the condition based maintenance and how it will be applied to the two fleets. With reference to your scoring methodology, how was this considered and what negative impact did it have on the overall score for this section?
- 26) How is the requirement to ensure “ongoing coordination and communication with the Operator, the City Persons, and Stakeholders” not satisfied by having a single point of contact? With reference to your scoring methodology, how was this considered and what negative impact did it have on the overall score for this section?

3 Questions – TLink

In addition to the issues raised above, the following specific questions arose during the review of the technical evaluation consensus worksheets for the TLink Technical Submission.

3.1 Works Schedule PBS-1

- 27) It is the view of the BESC that the RFP Schedule 3 Part 1 Technical Submission Requirements does not require City PLAAs to be included as a “structured sequence of activities”? With reference to your scoring methodology, how was this considered and what negative impact did it have on the overall score for this section?

3.2 Station Design Submissions



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28) It is the view of the BESC that the RFP Schedule 3 Part 1 Technical Submission Requirements does not require a Proponent to set out “local processes for Utility relocations”. With reference to your scoring methodology, how was this considered and what negative impact did it have on the overall score for this section?

3.3 Dow’s Lake Tunnel Design Submission

29) It is the view of the BESC that assumptions were not prohibited by the RFP Schedule 3 Part 1 Technical Submission Requirements with respect to “the decision to not upgrade the existing outfall”. With reference to your scoring methodology, how was this considered and what negative impact did it have on the overall score for this section?

3.4 Maintenance & Rehabilitation Approach to Part 1 of Schedule 15-3 of the Project Agreement

30) The RFP Schedule 3 Part 1 Technical Submission Requirements are to “the approach to mobilization of the Maintenance and Rehabilitation Services for the System Infrastructure before the Revenue Service Commencement and for further certainty Existing System Infrastructure transferred “after” Financial Close” and so it is the view of the BESC that there is no requirement to detail mobilization “at” Financial Close. With reference to your scoring methodology, how was this considered and what negative impact did it have on the overall score for this section?

4 Questions – TEA

In addition to the issues raised above, the following specific questions arose during the review of the technical evaluation consensus worksheets for the TEA Technical Submission.

4.1 Integrated Management System

31) It is the view of the BESC that the RFP Schedule 3 Part 1 Technical Submission Requirements does not a “cross-reference to the SIMP”. With reference to your scoring methodology, how was this considered and what negative impact did it have on the overall score for this section?

4.2 Environmental Management Plan

32) It is the view of the BESC that the RFP Schedule 3 Part 1 Technical Submission Requirements does not require an Environmental Specialist to be “part of the initial core team”. With reference to your scoring methodology, how was this considered and what negative impact did it have on the overall score for this section?

4.3 Civil and Guideway Design Submission

33) Was “rework in the NRC Yard” prohibited somewhere in PSOS? If not, with reference to your scoring methodology, how was this considered and what negative impact did it have on the overall score for this section?

4.4 Dow’s Lake Tunnel Design Submission

34) It is the view of the BESC that the RFP Schedule 3 Part 1 Technical Submission Requirements does not require a Technical Submission to specifically address the outfall to Dow’s Lake. With



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reference to your scoring methodology, how was this considered and what negative impact did it have on the overall score for this section?



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APPENDIX 1 - ACKNOWLEDGMENT

Evaluation Team Lead

Date: **Insert Date**

To: OLRT Bid Evaluation Steering Committee

Attention: Geoffrey Gilbert

Title: Chair

E-mail: geoffrey.gilbert@nortonrosefulbright.com

Re: RFP for Ottawa Light Rail Transit Project
Written Direction from OLRT Bid Evaluation Steering Committee

I am the Evaluation Team Lead, as specified in the Ottawa Light Rail Transit Project Framework to Evaluate Responses to Request for Proposals” (“Evaluation Framework”). All terms used within this letter are defined in the Evaluation Framework.

I acknowledge having received, read and understood the written direction from the OLRT Bid Evaluation Steering Committee attached hereto and dated October 9, 2018.

Sincerely yours,

Peter Schwartzenuber, Evaluation Team
Lead, City of Ottawa

Signature