

November 23, 2017

DOC/2017/04967-03

Dear 

Re: Your request for access to information under Part II of the *Access to Information and Protection of Privacy Act, 2015* [Our File #: MAE/107/2017]

On November 7, 2017, the Department of Municipal Affairs and Environment received your request for access to the following records/information:

"Copies of proposal evaluations for all submissions. Evaluations to include score for each item evaluated, ranking, review comments, and total technical score and cost score."

Also on November 7th, 2017, this request was clarified, via telephone conversation, to the following:

"Copies of proposal evaluations for all submissions. Evaluations to include score for each item evaluated, ranking, review comments, and total technical score and cost score from town of Conception Bay South RFP for Legion Road/Lawrence Pond Road."

I am pleased to inform you that a decision has been made by the Deputy Minister for Department of Municipal Affairs and Environment to provide access the requested information.

In accordance with your request for a copy of the records, the appropriate copies have been enclosed..

Please be advised that you may appeal this decision and ask the Information and Privacy Commissioner to review the decision to provide partial access to the requested information, as set out in section 42 of the *Act* (a copy of this section of the Act has been enclosed for your reference). A request to the Commissioner must be made in writing within 15 business days of the date of this letter or within a longer period that may be allowed by the Commissioner. Your appeal should identify your concerns with the request and why you are submitting the appeal.

The address and contact information of the Information and Privacy Commissioner is as follows:

Office of the Information and Privacy Commissioner
2 Canada Drive
P. O. Box 13004, Stn. A
St. John's, NL. A1B 3V8
Telephone: (709) 729-6309
Toll-Free: 1-877-729-6309
Facsimile: (709) 729-6500

You may also appeal directly to the Supreme Court Trial Division within 15 business days after you receive the decision of the public body, pursuant to section 52 of the *Act*.

Please be advised that responsive records will be published following a 72-hour period after the response is sent electronically to you or five business days in the case where records are mailed to you. It is the goal to have the responsive records posted to the Completed Access to Information Requests website within one business day following the applicable period of time. Please note that requests for personal information will not be posted online.

If you have any further questions, please feel free to contact me by telephone at 709-729-7183 or by e-mail at lisas@gov.nl.ca.

Sincerely,



LISA SULLIVAN
ATIPP Coordinator
Enclosures

Access or correction complaint

42. (1) A person who makes a request under this Act for access to a record or for correction of personal information may file a complaint with the commissioner respecting a decision, act or failure to act of the head of the public body that relates to the request.
- (2) A complaint under subsection (1) shall be filed in writing not later than 15 business days
- (a) after the applicant is notified of the decision of the head of the public body, or the date of the act or failure to act; or
 - (b) after the date the head of the public body is considered to have refused the request under subsection 16(2).
- (3) A third party informed under section 19 of a decision of the head of a public body to grant access to a record or part of a record in response to a request may file a complaint with the commissioner respecting that decision.
- (4) A complaint under subsection (3) shall be filed in writing not later than 15 business days after the third party is informed of the decision of the head of the public body.
- (5) The commissioner may allow a longer time period for the filing of a complaint under this section.
- (6) A person or third party who has appealed directly to the Trial Division under subsection 52(1) or 53(1) shall not file a complaint with the commissioner.
- (7) The commissioner shall refuse to investigate a complaint where an appeal has been commenced in the Trial Division.
- (8) A complaint shall not be filed under this section with respect to
- (a) a request that is disregarded under section 21;
 - (b) a decision respecting an extension of time under section 23;
 - (c) a variation of a procedure under section 24; or
 - (d) an estimate of costs or a decision not to waive a cost under section 26.
- (9) The commissioner shall provide a copy of the complaint to the head of the public body concerned.

Direct appeal to Trial Division by an applicant

52. (1) Where an applicant has made a request to a public body for access to a record or correction of personal information and has not filed a complaint with the commissioner under section 42, the applicant may appeal the decision, act or failure to act of the head of the public body that relates to the request directly to the Trial Division.

(2) An appeal shall be commenced under subsection (1) not later than 15 business days

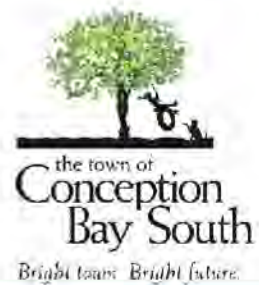
(a) after the applicant is notified of the decision of the head of the public body, or the date of the act or failure to act; or

(b) after the date the head of the public body is considered to have refused the request under subsection 16(2).

(3) Where an applicant has filed a complaint with the commissioner under section 42 and the commissioner has refused to investigate the complaint, the applicant may commence an appeal in the Trial Division of the decision, act or failure to act of the head of the public body that relates to the request for access to a record or for correction of personal information.

(4) An appeal shall be commenced under subsection (3) not later than 15 business days after the applicant is notified of the commissioner's refusal under subsection 45(2).

Legion Road & Lawrence Pond Road Upgrades – RFP Review



MAE # 17-SCF-17-00026 & 17-MYCW-15-00088

Reviewed by: Dan Noseworthy, CAO
 Jennifer Norris, Director of Engineering & Public Works
 Liz Davis, Director of Finance
 John McKeever, Engineering Manager

RFP Comments:

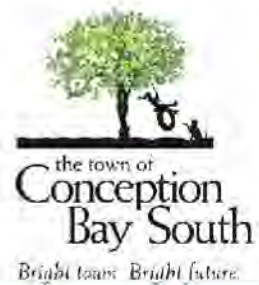
- Invited RFP sent to CBCL Ltd., Harbourside Transportation Consultants, exp Services Inc., SNC Lavalin Inc., Progressive Engineering & Consultants Inc.
- Closing August 10th, 2017, 4:00 pm
- 3 submissions from exp Services Inc., SNC Lavalin Inc., Progressive Engineering & Consultants Inc. jointly with Harbourside Transportation Consultants

Summary of Review Comments & Evaluation:

1) exp Services Inc. (89.6 of 100)

- a) Experience (20 of 20)
 - i) Highly qualified, local experience
- b) Methodology & Schedule Criteria (22 of 30)
 - i) Schedule Completion (5 of 5)
 - (1) Identifies Completion time as per RFP milestones
 - ii) Schedule Detail (7 of 10)
 - (1) Lack of detail or tasks (could use tasks details to assist)
 - (2) Allows time for Town to acquire land simultaneously as design and tendering, not as per RFP
 - iii) Project Execution (10 of 15)
 - (1) Identifies the Lawrence Pond land acquisitions within the work scope but has not included in the schedule or to revisit design package.
 - (2) Plans for 2 projects simultaneously, two tenders
 - (3) Considers potential risks & conflicts such as traffic management, storm design and existing site details
 - (4) No detail on PM construction site visits
 - (5) Monthly Updates not details or identified as per RFP

Legion Road & Lawrence Pond Road Upgrades – RFP Review



MAE # 17-SCF-17-00026 & 17-MYCW-15-00088

c) Financial Criteria (47.6 of 50)

i) Total **\$175,387.00**

- (1) Legion Road Upgrade \$103,431.00 HST in
- (2) Lawrence Pond Road Upgrade \$71,956.00 HST in
- (3) Change Orders extra as they arise
- (4) No expense break down
- (5) Matches schedule so lacked detail

2) SNC Lavalin Inc. (93.6 of 100)

a) Experience (20 of 20)

- i) Highly qualified, local experience

b) Methodology & Schedule Criteria (26 of 30)

i) Schedule Completion (5 of 5)

- (1) Identifies Completion time as per RFP milestones

ii) Schedule Detail (9 of 10)

- (1) Very detailed and easy to evaluate
- (2) Identifies separate tender dates even though proposal focuses on one tender package

iii) Project Execution (12 of 15)

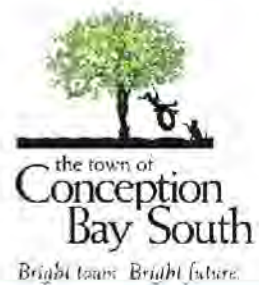
- (1) Plans for one tender package and consecutive projects
- (2) Clear understanding of potential challenges (storm design)
- (3) Support construction by having monthly PM visits, weekly DPM site visits
- (4) No consideration given for land acquisitions or design package revisions as per RFP.

c) Financial Criteria (47.6 of 50)

i) Total **\$175,326.03**

- (1) Legion Road Upgrade \$102,707.94 HST in
- (2) Lawrence Pond Road Upgrade \$72,618.19 HST in
- (3) Several items required revision/clarification

Legion Road & Lawrence Pond Road Upgrades – RFP Review



MAE # 17-SCF-17-00026 & 17-MYCW-15-00088

3) PEC/HTC (98 of 100)

- a) Experience (20 of 20)
 - i) Highly qualified, local experience
- b) Methodology & Schedule Criteria (28 of 30)
 - i) Schedule Completion (5 of 5)
 - (1) Identifies Completion time as per RFP milestones
 - ii) Schedule Detail (10 of 10)
 - (1) Very detailed and easy to evaluate
 - (2) No approval time identified for award tender
 - (3) Approximately 3 months for land acquisitions
 - iii) Project Execution (13 of 15)
 - (1) Two separate projects, simultaneously
 - (2) Lack of detail regarding traffic calming but very detailed for process
 - (3) Lack of detail on potential challenges, heavy on the company information
 - (4) Site visits as many as required my PM, included in fees
 - (5) Identifies land acquisition importance and revising design package
- c) Financial Criteria (50 of 50)
 - i) Total **\$166,998.05**
 - (1) Legion Road Upgrade \$94,709.11 HST in
 - (2) Lawrence Pond Road Upgrade \$72,288.94 HST in

Overall Comments:

- The RFP structure heavily weighted on costs and methodology/schedule. Proposals that did not clearly include or demonstrate the Lawrence Pond Road land acquisitions lends itself to increased risks for the Town through schedule delays which directly relates to delayed tendering, changing of construction documents and increase professional service fees. Allowing sufficient time between 99% design documents and tendering reduces this risk significantly.
- **Recommend to award to PEC/HTC who scored the highest points.**