REAL PROPERTY-1, PROPERTY MANAGEMENT AND PROJECT DELIVERY SERVICES (RP-1)
EP008-112560/C

REQUEST FOR INFORMATION

DECEMBER 13, 2012
INDUSTRY CONSULTATION
SUMMARY REPORT

RP-1 INDUSTRY CONSULTATION SUMMARY REPORT – DECEMBER 13, 2012

The purpose of the December 13, 2012 Industry Consultation Session was to obtain specific feedback on:

1. How should PWGSC divide the business such that there can be more than one contract;
2. What selection methodology should PWGSC use to guarantee that there will be more than one service provider;
3. What duration should PWGSC set for the base contract and options; and,
4. How does industry propose to provide the greatest degree of transparency possible in its approach to sub-contracting?

The feedback received from the Request for Information process will enable PWGSC to make informed decisions surrounding the Real Property-1, Property Management and Project Delivery Services (RP-1) procurement exercise, to ensure that a future procurement respects and responds to industry capacity and to mitigate risks associated with a large and complex solicitation process.

A team from Public Works and Government Services Canada (PWGSC), including Assistant Deputy Ministers and Directors General, met with industry on December 13, 2012 in the National Capital Region. The PWGSC team was represented by members from the Real Property Branch, and the Acquisitions Branch. An independent Fairness Monitor was also present at the consultation session.

The December 13, 2012 Industry Consultation Session required the following fundamental principles be applied to industry proposed suggestions:

1. The real property assets must be divided so that more than one contract can be awarded.
2. A contractor selection process is required that will guarantee service provider diversification: i.e. that more than one (different) service provider is awarded a contract.
3. All the assets must be included and there must be a reasonable expectation that industry will competitively bid for all groupings - PWGSC requires multiple competitive bids on each grouping to support best value.
4. The grouping of assets and the selection methodology must be fair, open and transparent (in other words, a grouping of assets or selection methodology should not favour a single service provider).
5. The grouping of assets and the selection methodology should result in best value to Canadian Taxpayers.
6. The length of the initial contract duration and option periods should allow flexibility to Canada to reprocure should the requirements change or the contractor performance diminish.
7. The initial contract and option periods should be of appropriate durations to allow for best value to Canadian Taxpayers.

INDUSTRY PARTICIPANTS: A total of ten representatives from six companies participated in the Industry Consultation Session. A list of the companies and their representatives who participated can be found in Appendix A - List of Participating Companies.

INDUSTRY FEEDBACK: A high level summary of the questions and comments posed by industry representatives together with the responses provided by PWGSC are included in Appendix B – Industry Consultation High Level Summary of Feedback, Questions and Answers.

The detailed questions and comments posed by industry representatives together with the responses provided by PWGSC are included in Appendix C – Industry Consultation Detailed Feedback, Questions and Answers.

Slides presented during the Industry Consultation are attached in Appendix D.

Appendix A - List of Participating Companies

The following companies were represented at the Industry Consultation Session on December 13, 2012. The companies are listed in alphabetical order and the company representatives are also identified.

COMPANY	REPRESENTATIVES
BLJC	Mike Greidanus, Vice-President, Business Development Claude Bujold, Vice-President, Operations – East and Central.
CBRE	Judith Amoils, Managing Director James Trimm, Managing Director
COFELY Services Inc.	Pierre Lapointe, Vice-President Ralph Karawani, Accounts Executive
Desseau Inc.	Caroline Vallée, Directrice des Offres stratégiques
Edon Management	Ed Lazdowski, President
SNC-Lavalin Operations & Maintenance Inc.	Justin Sharpe, SVP Integrated Real Estate Solutions Martin Lefebvre, VP of Facility Management

Appendix B – Industry Consultation High Level Summary of Feedback, Questions and Answers

The detailed questions and comments posed by industry representatives together with the responses provided by PWGSC are included in Appendix C – Industry Consultation Detailed Feedback, Questions and Answers.

Questions and suggestions expressed by industry representatives at the Industry Consultation Sessions centered on the following common themes:

5. How should PWGSC divide the business such that there can be more than one contract;
6. What selection methodology should PWGSC use to guarantee that there will be more than one service provider;
7. What duration should PWGSC set for the base contract and options; and,
8. How does industry propose to provide the greatest degree of transparency possible in its approach to sub-contracting?

The questions and suggestions that follow have been edited to avoid disclosing the originator and they are organized under the above themes. Please note that Public Works and Government Services Canada (PWGSC) is responsible only for the content of the answer that is provided. Throughout this Appendix, the term “prime contractor” refers to the prime contractor(s) for future RP-1 contracts or when referring to the existing Alternative Forms of Delivery (AFD) contracts.

General Comments

- Firms expressed an appreciation for an in-person consultation as opposed to a written exchange.
- Good participation from six firms with national and regional profiles; and,
- Received useful industry feedback and suggestions.

Question 1: How should PWGSC divide the business such that there can be more than one contract?

- Significant input was received on how to structure the portfolios and how many contracts should be awarded.
- There was a general consensus that contracts should be geographic in nature and all equally viable.
- The larger proponents agreed that best value would be provided through one single contract.
- Where best value is not the sole determining factor and thus more than one contract established, all firms agreed that there should be a maximum of three to four contracts.
- Regional players are interested in the requirement being split in such a way that they could have an opportunity to obtain part of the business.
- A consensus was reached that all services (e.g. property management, project delivery and lease administration, etc…) should be integrated within each contract.
- Industry is open to and expects PWGSC to be favorable to allowing joint ventures.
- There was general agreement that there are assets/portfolios that are “easier to service” (e.g. office buildings in the NCA), and others that are more difficult to service. It was suggested that portfolios/contracts should contain a mix of the two.

Question 2: What selection methodology should PWGSC use to guarantee that there will be more than one service provider?

- Various methodologies were put forward and discussed including various risks and benefits to the Crown.
- Some suggested methodologies included:
  - keeping the integration of different services within a geographic portfolio;
  - grouping easy to service areas with difficult to service areas and grouping portfolios based on profitability and geography; and
  - grouping similar needs and/or assets types within a geographic area to ensure consistency.

Question 3: What duration should PWGSC set for the base contract and options?

- There was a consensus on a longer initial contract period. All suggested a minimum of five to seven years for the initial contract period to allow time for a firm to recover its investment.
- Participants suggested that benefits of a longer contract period include the attraction and retention of top qualified human resources.
- Additionally there was some discussion around the optimum length of the transition period.

Question 4: How does industry propose to provide the greatest degree of transparency possible in their approach to sub-contracting?

- Firms agreed that industry best practices should form part of sub-contracting provisions.
- There was general consensus that PWGSC should approach this issue from a performance perspective as opposed to a prescriptive perspective.

Next Steps

PWGSC confirmed to participants that the draft RP-1 Statement of Work, draft Request for Proposals and the proposed procurement schedule will be posted on MERX.

Appendix C – Industry Consultation Detailed Feedback, Questions and Answers

Questions and suggestions raised by industry representatives at the Industry Consultation Sessions centered on the following common themes based on the questions developed by Public Works and Government Services Canada (PWGSC):

1. How should PWGSC divide the business such that there can be more than one contract;
2. What selection methodology should PWGSC use to guarantee that there will be more than one service provider;
3. What duration should PWGSC set for the base contract and options; and,
4. How does industry propose to provide the greatest degree of transparency possible in its approach to sub-contracting?

The questions and suggestions that follow have been edited to avoid disclosing the originator and they are organized under the above themes. Please note that PWGSC is responsible only for the content of the answer that is provided. Throughout this Appendix, the term “prime contractor” refers to the prime contractor(s) for future RP-1 contracts or when referring to the existing Alternative Form of Delivery (AFD) contracts.

FEEDBACK / QUESTIONS	ANSWERS
Question 1: How should PWGSC divide the business such that there can be more than one contract? Further Clarification by PWGSC: Why? Does anything in the various volumetric scenarios cause you to propose a different answer?	One firm offered the opinion that one contract is optimum, but that if PWGSC wished to create more than one contract then they suggested PWGSC consider two contracts. Three firms suggested aggregating portfolios by square footage and types of service within a geographic area so that PWGSC could leverage the economies of scale. Properties belonging to different government departments should be grouped with PWGSC properties for economies of scale within a geographic portfolio because critical mass is a key factor in manageability. One of these firms offered for consideration that PWGSC subdivide assets by categories of service, or similar asset type. This might be more useful within large urban centers, whereas grouping assets according to proximity would be best in the regions. In this way, portfolios of a different nature within a geographic area would allow bidders to choose a market segmentation strategy that would play to a firm’s strengths. Two firms indicated their preference for portfolios that combine properties in remote regions with properties inside urban areas so that all of the portfolios are equally attractive to bidders. Otherwise, PWGSC may

	see a lot of bids for portfolios that are easier to service and possibly none for areas that are difficult to service. Three firms were of the opinion that a maximum of three contracts with different service providers would be manageable for PWGSC. One firm envisioned that the three or four service providers could communicate together to ensure consistency of service across all portfolios. One firm suggested that PWGSC seek to have the least service providers as possible. Furthermore, it added that with more service providers, it becomes more difficult to manage changing requirements and ensure consistency of service across portfolios. More service providers would also likely mean higher costs and higher risks for the Crown. One firm indicated their preferred scenario would be multiple small portfolios and the first ranked bidder would get first choice on the selection of the portfolios they would manage under their contract. Then, the next ranked bidder would get second choice, and so on. This would result in high competition for the most attractive portfolios and the benefit that the bidders would be given some opportunity to match abilities to the portfolios. The firm envisioned a front-end pre-qualification to ensure a minimum qualification for all bidders. Two other firms cautioned that if PWGSC were considering such a strategy then there would need to be some incentive for coming in third. They stated that they believed the National Capital Area (NCA) was the most attractive area and so, to ensure an even distribution of properties, they suggested breaking up the NCA and combining each NCA segment with a remote location or, that PWGSC limit what the first ranked bidder could win in the NCA so that other bidders have an opportunity to service a part of the NCA. One firm suggested that PWGSC limit the number of portfolios that a service provider could qualify for as a way to ensure more than one service provider. This firm further suggested that service providers then manage regionalized portfolios, instead of overlapping national portfolios, and that a semi-annual consultation with service providers be conducted in order to ensure consistent program delivery across Canada.

	Five bidders expressed their opposition to the strategy of limiting the number of portfolios that a service provider could qualify for. One firm stated that if prevented from bidding, it had concerns around fairness as attempting to make it fairer for regionally located companies; it could make it unfair for other firms. This same firm also cautioned that such a strategy could result in hyper-competition for attractive portfolios and no competition for less desirable portfolios. Another firm stated that, while they were opposed to limiting the number of portfolios that a service provider could qualify for, they were not opposed to limiting the number of contracts that a service provider could win. There was general agreement among these five firms that limiting pre-qualification would limit competition, which could result in higher costs and lower quality.
Additional question i) in relation to Question 1: In the past, we tried a number of approaches – 13 contracts, then eight contracts. There have been plusses and minuses along the way. How do you fit in a regional supplier?	One firm proposed for consideration a two-stage procurement process where PWGSC would qualify bidders in specific geographies (i.e. Ontario region or Western region), then issue an RFP and have them bid to win for that region. A regional firm would then be able to respond to only the solicitations related to the regions they were interested in.
Question 2: What selection methodology should PWGSC use to guarantee that there will be more than one service provider? Further Clarification by PWGSC: If we want to ensure that there is more than one service provider, how would we do that? In other words, what selection methodology do you suggest we use?	One firm proposed for consideration that PWGSC keep the integration of different services such as Property Management Services (PMS) and Project Delivery Services (PDS) and property types within a geographic portfolio. They felt this would be more effective and efficient than grouping portfolios by service type. Another firm favoured grouping easy to service areas with difficult to service areas and proposed that portfolios should be based on profitability and geography. Yet another firm proposed that portfolios be grouped by similar needs or similar asset types within a geographic area because it would ensure consistency of service and allow firms to specialize in the services they provide. A fourth firm highlighted the potential economies of scale and relative attractiveness of the NCA, but

	questioned the benefits of connecting parts of the NCA with other regions. The distance between the two regions would make them difficult and more costly to manage as a whole. Three firms proposed for consideration a tiered selection process, where the first ranked bidder would have first pick of a certain number of portfolios, then the second ranked bidder would have next pick of a certain number of portfolios, and so on. Each supplier knows its business and is in the best position to decide which portfolios it could service better than the others. One of these firms suggested that the successful bidders be forced to select a difficult to service portfolio along with a NCA portfolio. Three firms encouraged PWGSC to allow joint ventures, partnerships between firms or consortiums to bid on portfolios. In one firm's opinion, evaluation criteria that considers the experience of all companies involved in the joint venture, not just the work they've done together, would be beneficial to PWGSC. One firm offered for consideration that, in the case of joint ventures, PWGSC should evaluate the clarity of the governance structure within the joint venture or have the joint venture demonstrate its governance structure in some way. Two firms proposed for consideration that PWGSC design a procurement process that would result in three or four service providers. This would result in portfolios that would be of a relatively profitable size, which would encourage firms to bid. Also, if there is some guarantee of three or four service providers, then there is a greater chance of obtaining some of the business. One firm suggested pre-qualifying bidders first, then consulting with the pre-qualified bidders to elaborate solutions that would meet PWGSC's requirements. One firm suggested that transition costs be evaluated separately from other criteria and given special consideration; that it be given a lower weight in the overall total. Its concern was that the incumbent would have an unfair advantage over other bidders as they would not have transition costs. One firm requested that the evaluation criteria be shared in advance so that it could determine its chances of winning before getting too involved.

<u>Additional question i) in relation to Question 2:</u> You mentioned that there was lots of room in the market. How many suppliers would be ideal?	One firm proposed that the best benefit for PWGSC is to have one supplier only because it would be simpler and cheaper to manage. The firm acknowledged that there is lots of business to go around and it depends on PWGSC's operational needs; whether PWGSC wants the service provider to mirror PWGSC's internal structure or if PWGSC would be willing to match the Service Provider's structure. This firm suggested that, if one or two service providers would be of benefit to PWGSC, then one could manage NCA/Gatineau and Eastern Canada, while the other could manage NCA/ Ottawa with Western Canada and Nunavut. However, it was felt that the entire NCA should be managed under one contract because it matched the operational requirements of government; i.e. custodians and users do not use the properties any differently on either side of the river.
<u>Additional question ii) in relation to Question 2:</u> A few firms have suggested that smaller portfolios that are geared towards their expertise would make for better competition. How do we avoid situations that have occurred in the past where one single service provider wins all? What mechanism can we use to allow regional firms to compete against big firms?	One firm proposed for consideration that PWGSC limit the number of portfolios that each successful bidder can choose to manage. Another firm proposed that PWGSC split the portfolios by region and have separate procurement processes for each region. Most were not in favour of limiting the numbers of contracts a bidder can be awarded.
<u>Additional question iii) in relation to Question 2:</u> Did we do something wrong last time or did things work out the way they should have?	One firm stated that it liked the approach that was used last time. The firm was not in favour of creating artificial constructs that would interfere with a regular competitive process. The firm also warned that by attempting to make it fairer for smaller, regional firms, it would make it less fair on a national scale and more expensive to PWGSC. Another firm noted that PWGSC has procured services for this requirement on two occasions and both times achieved the same result of one service provider for all contracts. This firm's preference was for fewer RFPs because each response to an RFP takes time and effort.
<u>Additional question iv) in relation to Question 2:</u> If there is only one first ranked bidder in all portfolios, should PWGSC limit the number of contracts a single bidder can win? What strategies do you suggest that would keep the process as fair as possible?	One firm did not see how this could be done without forcing a distribution of portfolios to some degree. Another firm cautioned against over-thinking or over-complicating the procurement process as it could result in some very unexpected results that do not

	benefit anyone. One firm expressed their concern over the possibility that a limiting strategy could result in some service providers being forced to manage a region they are unable to service. One firm suggested dividing the entire RP-1 requirement into different solicitations that would be competed separately and at different points in time. The perceived benefit is that PWGSC could learn from each solicitation and apply lessons learned to improve the following solicitation. One firm voiced their support for a selection methodology that would benefit local suppliers. Two firms expressed their concern over the volume of information that would be required in any future proposal and proposed that PWGSC draft its evaluation criteria so that there would be fewer criteria. That way each criterion would have a substantial impact on a bidder's total score.
Round Table Questions Related to Question 2: 1) In a scenario where we sought to create regionally based contracts and more than one service provider, is there a risk that we would end up not getting competitive bids in one location? Should we be concerned?	1) One firm remarked that economies of scale drive the industry and that value for money and multiple contracts (or contractors) are opposing goals. Another firm commented that value isn't just about low price and that no matter how small the work, people will be interested in it. The firm suggested that we ask companies if they would be interested in submitting a bid for a particular portfolio prior to issuing an RFP. One firm observed that PWGSC has a pretty good track record of receiving bids in response to RFPs and so should not worry about not receiving bids. Another firm suggested that, should no bids be received for a particular portfolio, PWGSC could re-compete smaller pieces among the bidders that did win. Some firms suggested that the greater the complexity of the process, the higher the risk that a portfolio would not receive a bid.
2) Should we force bidders to submit a bid on all portfolios?	2) All respondents were unanimous in saying no.

3) What are industry's thoughts on a pre-qualified list for regions so that when new requirements come in, PWGSC could keep referring to that list? This essentially corresponds to the concept of a Supply Arrangement. One advantage of this approach would result in less work and time for everyone: bidders pre-qualify once, then provide pricing to many solicitations thereafter. PWGSC procurement processes could then be faster.	3) One firm claimed to have seen this approach before and had no issue with it. Two respondents did not find this favourable to their business model. Another firm shared its perspective that the only reason to pre-qualify is to limit competition for the actual work, but that competing against a group of pre-qualified companies is still stiff competition and wouldn't make things easier for them.
Question 3: What duration should PWGSC set for the base contract and options? Further clarification provided by PWGSC: What duration will provide you with the ideal time to recover the investment that you will put into this contract while balancing the need of the Government of Canada to have flexibility and obtain best value?	Five of the six firms considered a minimum of five to seven years to be a reasonable length of time for an initial contract period. This length of time would allow PWGSC flexibility to assess if the market or technology has changed significantly and whether it warrants a re-procurement initiative. Among all firms, opinion on the length of option periods varied from five years to one year. However, three of the six firms suggested that longer contract and option periods would allow the Service Provider to offer stability to workers. No firm disagreed. This strategy would help the Service Provider attract top talent as well as retain and motivate workers to provide excellent service. A longer initial term allows for the greatest return on investment for the service provider. Shorter periods mean higher costs to guard against risk. A suggestion was made by one of the firms that PWGSC should stagger the solicitation if PWGSC intends to retain more than one service provider. Another firm cautioned against this strategy as it could compromise consistency between bid packages, and the firm felt that too much time would be spent responding to solicitations instead of performing the work.
Round Table Questions Related to Question 3: 1) Does industry have any strategies/recommendations on our approach to transition costs?	1) One firm felt that, so long as the initial contract period and option periods were long enough, firms would be able to recoup their transition costs. Thus, no special considerations need be given to transition costs. Three firms highlighted the costs of the IM/IT

	requirements as a factor in their high estimate of transition costs. One firm suggested there be a separate line item in the evaluation for transition costs that would be considered separately from other contract costs. Another firm suggested that by allowing the Service Provider to interact more directly with tenants, it may alleviate the burden of the IM/IT requirements as currently described. It could result in a shift from transferring data elements to transferring information from the incumbent to the new service provider (if applicable). One firm stated that it did not think that the incumbent firm would have an advantage because the new contracts will be different from the old ones, and the incumbent will have to transition just as much as anyone else. The firm also felt that it was important that PWGSC consider the total lifecycle cost proposed by each of the bidders in its evaluation, and not make special allowances for anyone.
2) Would firms prefer a longer transition period?	2) Three firms clearly stated that they did not prefer long transitions as it means higher costs for the Service Provider. One firm volunteered that 90 days is the typical length of a transition period and that, while some services will start on the “go-live” date, other services could be implemented following the “go-live” date; generally over the course of one year.

Question 4: How does industry propose to provide the greatest degree of transparency possible in its approach to sub-contracting? Further clarification provided by PWGSC: In terms of subcontracting, and keeping it fair open and transparent from a subcontractor's perspective, what would industry be prepared to commit to? What information regarding subcontracting processes would you be comfortable releasing?	Five of the six firms present were in favour of transparency in terms of sharing their subcontracting procedures with PWGSC and allowing PWGSC to audit their files, but only should a problem occur and with a view to improving their processes. Although they agreed that a certain degree of control is necessary, too much could negatively impact service delivery. These firms suggested that PWGSC avoid placing rules or oversight within the subcontracting process itself. One firm made the comment that the Service Provider is being asked to take on the risk of poor performance by subcontractors. Many small suppliers cannot obtain $5 Million liability insurance. If the Service Provider is expected to take on that liability, then they should have greater freedom to choose the subcontractors. Increasing the procedural oversight only increases the Service Provider's risk. Another firm commented that, when using a cost-reimbursable basis of payment for services, it makes sense to implement appropriate cost control processes. However, that degree of transparency would be unnecessary under a fixed price scheme because the onus is on the service provider to deliver quality services on time and within budget. One of the firms commented that there is no benefit to the Service Provider in not being fair, open and transparent with subcontractors. The firm cautioned that the Service Provider is not PWGSC and that requiring the Service Provider to behave like PWGSC would prevent the Service Provider from being any faster or more effective than PWGSC. Behaving like PWGSC would not satisfy all the small and medium enterprises and would negatively impact service delivery. Another firm agreed and added that it can be more difficult to meet the same standards of fairness, openness and transparency in remote areas than is possible in urban areas and that consideration should be given to these situations. Two firms proposed for consideration that the Service Provider could pre-qualify subcontractors. It would allow flexibility and offer best value. No other firm disagreed.

Round Table, additional information, Q&A and feedback:

PWGSC next few steps in the process:

- PWGSC will analyze responses from the consultation session within the context of our requirement
- Consultations will be ongoing and PWGSC will post the preliminary Statement of Work (SOW) and some of the evaluation criteria to continue our consultation with industry.
- Sometime in the new year, PWGSC will be posting a draft of the procurement schedule. The current contracts are scheduled to expire on March 31, 2014 and the decision to exercise the option to extend those contracts has not been taken. Once that decision has been made, it will affect timelines.
- There is a standing Request for Information on MERX. As documents are ready, PWGSC will post them to MERX.
- Although PWGSC may not be able to address everyone's wishes, firms' should feel free to submit ideas and feedback at any time. PWGSC outlined that it is also considering a value proposition: solutions that address socio-economic elements that are important to Canada. This could include solutions related to sustainability, Human Resource development, technology or infrastructure development. It could also include solutions that would enhance current policies such as those related to aboriginal firms, small and medium enterprise and Canadian content. Any input on this topic would be appreciated.
- PWGSC's intention with the evaluation criteria is to indicate in the solicitation the relative weight of technical criteria and financial criteria. The solicitation will contain a high-level evaluation grid that will indicate the maximum number of points for each criterion or section, but not what the difference between a score of 4 or 5 on a specific criterion would be.
- PWGSC has employed the services of a fairness monitor who will be involved throughout the entire process.
- When firms prepare their bid proposals they should be aware that PWGSC will only be evaluating information presented in the bid proposal. Firms should not assume that evaluators will understand content and should include all relevant information in their bid proposals.
- Following the solicitation and evaluation, when firms receive notice of winning or losing, PWGSC recommends that firms request a debriefing to obtain feedback on the firm's bid proposal.

Closing comments by firms:

All firms expressed appreciation for having the opportunity to meet face to face to discuss these issues.

One firm commented that the value propositions described by PWGSC would cost more, but it would allow regional suppliers to participate in the upcoming solicitations. The firm suggested that PWGSC determine the balance they want to achieve between value and price.

Two firms expressed interest in hearing more about the value propositions and looked forward to further information so that they could continue that discussion.

One firm expressed concern with the costs associated with the transition period and asked that PWGSC consider how new firms could win a contract given the high costs of transition. The firm asked how it could be made fairer or how challengers could become competitive in that environment.

Appendix D – Slides Presented During the Industry Consultation

See attached.