

Summary of Industry Consultation

This is a Summary only of the Industry Engagement Meetings and responses received as a result of RFI no.: EP740-191512/A Fairness Monitoring Services, which closed March 29, 2019.

A) Topic for Discussion:

Under the current Standing Offer (SO), a FM engagement requires a FM Team Leader, a FM Specialist and a back-up FM Specialist. The FM Specialist is responsible for the day to day fairness monitoring of the activities and provides the related experience, expertise, and guidance in rendering their professional opinions and attests to the fairness, openness and transparency of the activities. The FM Team Leader is responsible for the overall FM activities including ensuring the sufficiency, appropriateness, adequacy and quality of all products and services delivered to Canada. The FM Team Leader responsibilities include, but are not limited to, requests for replacements, travel authorization requests and review of invoices prior to submission. PSPC is looking for comments on how to improve and increase the efficiency of the FM Team Leader role and may consider removing it. Is it possible that these responsibilities can be maintained without a FM Team Leader?

A) Industry Feedback:

Team Leader Role Firm Based Approach

- Focus is on providing opinion as a firm
- Escalating issues, managing decisions, involves entire firm
- Decisions are validated by TL but still managed with entire team
- Weekly Planning meeting are held to make sure requirements can be met
- Internal review process is held before rendering an opinion, sign off process, and challenge function exists
- Once the opinion goes on firms letterhead it has to be the opinion of more than 1 person to have the firm behind it
- There is a need to frame process based on professional standards to certify a 3rd party (Audit Body - CPA institute can verify)
- Big risk to reputation, Fairness Monitor engagements are not considered low risk
- Use of firm-based peer reviews is more common for quality assurance, confirmation of appropriateness and a way to involve junior staff

TL Role Effectiveness

- Role of TL is very effective and valuable role
- Expertise of the TL is relied on for issues.
- There is a value to having the same person on a file to maintain consistency
- Having TL available to bounce ideas off ideas is beneficial - TL is a good second set of eyes, sounding board advice - but could be done by the Fairness Monitor Specialist (FMS)
- Keeps resources organized and on track for various phases
- TL role brings quality assurance and acts as an escalation point
- Without the role, coordination of information between FMS needs to still be maintained
- Not a valuable role and should be removed from the FMS team
- Role is wasteful and an encumbrance to respond to SOWs
- TL role and associated tasks are completed by the FMS
- TL role creates double billing
- Role not required for making recommendations or forming the Fairness Monitoring teams opinion

- Requirements to provide 3 resources is unique to the Federal Government
- Flexibility into who can work on a contract / who has the best experience given the industry / who is the most qualified to undertake the work.
- Should focus on getting the right person to do the right job
- TL role is not necessary – necessity could be determined based on project
- Have TL role available when only when needed to provide advice and direction to FMS in unique situations that could arise during an engagement and deal with any performance issues with the FMS
- Having the role clearly defined can lead to issues – too prescriptive on how we arrange our business
- The role is too focused on admin instead of a Team Leader

Contractor Representative

- How does the team leader strike a balance between his responsibilities as the holder of the accreditation and his responsibilities as contractor representative?
- Needs to be a formal role – Important as the insurance provider

TL role efficiency/definition

- Doing admin work at a leader level is inefficient
- Companies should be considering what is the best value to Canada
- Could have TL replace FMS at FMS rate
- Don't believe that removing this role would result in substantial savings as administrative costs would be incurred through the FMS role.
- One way to increase efficiency would be to allow TL to participate in the development of the reports
- TL role does not add value

Role levels

- Could have different levels of fairness monitoring experience
- Some tasks can be done by a Junior individual, as long as internal tool kits and processes are in place
- Junior level is possible as long as the ability to escalate internally is available
- On other mandates junior roles have been brought in to oversee site visits, consensus meetings, etc.
- The work plan can outline what level of resources could be used

Resource Availability

- Timelines in call-ups are not firm, so determining availability is difficult
- Availability is an issue as the work plans are never respected during the procurement process
- Projects are uncertain
- Important to have flexibility to use who is have available when they are available
- Need flexibility on resource use
- For availability, if resources are not available there could be a penalty of being off the Standing Offer

B) Topic for Discussion:

We currently require the following mandatory technical criteria as per RFSO EP737- 150967 for a FM Specialist:

Each proposed FM Specialist must have completed a minimum of three projects, within the last five years prior to the bid solicitation publication date, providing opinion services as described in the Statement of Work (SOW), to outside clients. The three submitted projects must demonstrate that each proposed FM Specialist has the experience necessary to perform the opinion services set out in the SOW. The submitted projects must also have required a minimum level of effort of 20 days from the proposed FM Specialist. We are looking for your feedback in modifying these mandatory criteria for an FM Specialist to ensure we are getting the experience required to effectively execute the fairness monitoring work without limiting our pool of resources and allowing for the development of new FM's.

B) Industry Feedback:

Role Levels

- Having Senior, Intermediate and Junior levels are valuable
- Different role levels would be less costly for PSPC
- Not all activities require the same level of expertise. Junior roles may participate in less complex activities
- Junior levels bring a different perspective that can benefit the client
- Having Junior/Intermediate levels may place restrictions on their work which, creates an administrative burden when differentiating between the role levels
- The accountability will always remain with the "Senior" fairness monitor
- Allow less experienced fairness monitors to serve as back-ups in order to gain more experience

Implementing Role Levels

- Role levels can be implemented through the work plan by providing what Information on what resource would be used throughout the contract
- LOE form can be separated from the contract value for easier management.
- The fairness monitor firm will be involved in deciphering the LOE required on the contract
- The call-up is not always reflective of the contract value
- Need more flexibility in amending contracts if implementing role levels

Length of Level of Effort Requirement

- The current LOE of 20 days is not too restrictive
- Federal fairness monitoring experience is typically less than 20 days
- Firms with contracts outside the Federal Government have an advantage, as contracts outside the Federal Government tend to meet the LOE requirement
- Senior fairness monitors should have more management experience rather than 20 days of experience in a project
- The current LOE of 20 days is too high
- The number of days is not indicative of experience as many projects don't require a significant number of days
- Potential resources should have experienced all the various phases of the procurement process as a fairness monitor rather than the length of LOE

Project Experience

- The minimum 3 projects for a fairness monitor to be qualified is not enough, it should be more
- The requirement of 5 years is limiting, it should be more

Developing Fairness Monitors

- Lower the backups LOE requirement to increase their experience
- Lowering the LOE requirement welcomes Junior/Intermediate fairness monitors
- It is not the responsibility of the Federal Government to develop new fairness monitors
- It is the responsibility of the service provider to develop fairness monitors

Procurement experience

- Procurement experience should be mandatory
- Procurement experience AND fairness monitoring experience should be mandatory
- Potential resources should either have a combination of fairness monitoring and procurement experience or all fairness monitoring experience
- Clients seek fairness monitors procurement experience and expertise
- Specific experience is beneficial
- Specific and higher experience leads to a lower risk on complex procurements

- Procurement requirement is not valuable
- Procurement requirement makes it more difficult to qualify resources
- There should be a point rated system for procurement and opinion services
- Experience should be demonstrated by the individual not by the firm
- Specific experience is not relevant (i.e. defence, marine, real estate, etc.)
- The extent of procurement experience is important, not specific requirements

Rated Technical Evaluation Criteria

- Rated Technical Evaluation Criteria is excessive in the levels of experience and provides an unfair advantage to a very small group of bidders
- Types of project should be evaluated rather than who the client is (public vs. private)
- The designations we are suggesting is inappropriate

C) Topic for Discussion:

Since 2005, PSPC has been using Fairness Monitoring as a proactive measure to provide management, client departments, government suppliers, Parliament and Canadians with independent assurance that procurement activities are conducted in a fair, open and transparent manner. The focus for the next phase of the Fairness Monitoring program is to formally document ongoing Fairness Monitor observations and resolved fairness issues. The objective is to capture lessons learned and best practices to potentially support policy or process improvements. We are inviting you to provide us with feedback on how we might best capture this information from FM engagements.

C) Industry Feedback:

Periodic Reporting

- Annual reporting
- Semi-annual reporting
- Quarterly reporting/meetings
- Monthly report on issues and resolutions
- Summary report at the end of each project
- More frequent reporting than quarterly or semi-annual would be ineffective, creating excess costs and an added burden to the Fairness Monitoring Program

Method of Recording Issues

- Summary reports by project are not the best way to document issues
- The fairness monitor can document information in website or database
- Discuss observations, best practices and resolved issues in close out meeting with Fairness Monitoring Program and Contracting Authority
- Hold a close out meeting & document information in a central database
- Summary report at the end of each project leaves out valuable information
- Verbally discuss issues. One person should gather lessons learned in Fairness Monitoring Program
- Fairness monitoring report templates are restrictive
- Provide guidelines and best practices at each stage of the procurement process
- Rotational meetings with the fairness teams to discuss issues and trends

D) Additional Feedback:

General

- Issues with contracting authorities keeping fairness monitor engaged
- PSPC should consider keeping fairness monitors engaged on ACANs as it has similar or higher risk than a competitive RFP process

Providing Advice

- Providing options for possible solutions NOT advice is valuable
- Fairness monitor providing feedback/advice would benefit the client
- It would be the department's decision to use the fairness monitors options provided. This would maintain their independence and provide the clients with useful information
- Fairness monitors can provide advice to the Fairness Monitoring Program

Method of Supply

- In Ontario, fairness monitors have to bid for every project
- Most jurisdictions have standing offers
- Right of first refusal in standing offers is seen as fair
- Other jurisdictions use second stage process in their standing offers
- 8 firms on Standing Offer is too high
- Supply Arrangement is not needed
- Rather than a Supply Arrangement, pre-qualify certain firms to provide fairness monitoring services in specific sectors

Security Requirements

- Secret requirements are only beneficial for very sensitive procurements
- Security requirements are inconsistent. There are different interpretations by different PSPC procurement officers
- Secret security requirements are unnecessary and costly
- Clearance for controlled goods is unnecessary
- Assistance from PSPC regarding security clearances would accelerate the process

Contracting Authorities Performance

- Communication with CAs is inconsistent
- At the end of the procurement process, the CA can sign a letter committing that they have involved the fairness monitor in all relevant steps
- CAs performance is an issue
- Fairness monitors can assess CA performance based off of specific criteria

Travel

- Current travel pre-authorization is inefficient. Firms should be responsible for booking their own travel costs within the NJC travel directive

Request for Information
Fairness Monitoring Services

1. Purpose and Nature of the Request for Information (RFI)

Public Services and Procurement Canada (PSPC) is seeking Industry feedback regarding Fairness Monitoring Services to be provided to federal government departments, agencies and Crown corporations across Canada.

The objectives of the RFI are to:

- a) Provide industry and interested Bidders with the opportunity to assess and improve the requirement, the report format, call-up process, timelines and quality control; Canada will use the feedback provided in defining the FM requirement in the intent to renew the existing Method of supply (MoS).
- b) Solicit feedback and recommendations on any issues that would impact a supplier's ability to fulfill the requirement if that requirement was to expand and diversify;
- c) Solicit industry knowledge and best practices with regards to existing processes and capabilities that would increase the likelihood of a successful outcome of this method of supply; and
- d) Obtain feedback from Industry which will help PSPC - Fairness Monitoring and Business Dispute Management to arrange their procurement tool to better serve their client's needs by diversifying the pool of resources and ensuring the quality of deliverables.

This RFI is neither a call for tender nor a Bid Solicitation. No agreement or contract will be entered into based on this RFI. The issuance of this RFI is not to be considered in any way a commitment by the Government of Canada nor as authority to potential respondents to undertake any work that could be charged to Canada. This RFI is not to be considered as a commitment to issue a subsequent solicitation or award contract(s) for the work described herein.

Although the information collected may be provided as commercial-in-confidence and, if identified as such, will be treated accordingly by Canada, Canada may use the information to assist in drafting performance specifications (which are subject to change) and for budgetary purposes.

Respondents are encouraged to identify, in the information they share with Canada, any information that they feel is proprietary, third party or personal information. Please note that Canada may be obligated by law (e.g. in response to a request under the Access of Information and Privacy Act) to disclose proprietary or commercially-sensitive information concerning a respondent (for more information: <http://laws-lois.justice.gc.ca/eng/acts/a-1/>).

Participation in this RFI is encouraged but is not mandatory. There will be no short-listing of potential suppliers for the purposes of undertaking any future work as a result of this RFI. Similarly, participation in this RFI is not a condition or prerequisite for the participation in any potential subsequent solicitation.

Respondents will not be reimbursed for any costs incurred by participating in this RFI.

The RFI closing date published herein is not the deadline for comments or input. Comments and input will be accepted any time up to the time when/if a follow-on solicitation is published.

2. Background Information

PSPC requires the services of Fairness Monitors to observe departmental activities in order to provide independent assurance to the department, its clients, industry, Parliament and Canadians that these activities are conducted with integrity, accountability, and in a fair, open and transparent manner. The services of independent, third-party, Fairness Monitors allows PSPC to protect the interests of its clients and Canadians by identifying and resolving fairness issues in real time thus averting fairness deficiencies and avoiding possible costly after-the-fact resolutions.

The integrity of the Fairness Monitoring (FM) Program is dependent on the engagement and use of credible and reputable Fairness Monitors who are accountable for their opinions in the face of public scrutiny.

Accordingly, PSPC is looking for Fairness Monitors who will confidently defend rendered opinions on the fairness of monitored activities.

3. Security Requirement

There may be Security Requirements required under the resulting method of supply which will be defined at the bid solicitation stage.

Prior to working on a Federal Government contract with security requirements your organization must be registered in the Industrial Security Program (ISP). To register in the ISP a Government of Canada (GC) Approved Source must sponsor your private sector organization. For more information please consult the website at <http://uat-iss-ssi.pwgsc-tpsgc.gc.ca/ssi-iss-services/eso-oss-eng.html>.

4. Legislation, Trade Agreements, and Government Policies

The following is indicative of some of the legislation, trade agreements and government policies that could impact any follow-on solicitation(s):

- a) Federal Contractors Program for Employment Equity (FCP-EE)
- b) Canadian Content (Limited)
- c) Canadian Free Trade Agreement (CFTA)
- d) North American Free Trade Agreement (NAFTA)

5. Schedule

In providing responses, the following schedule should be utilized as a baseline:

- RFI Posting – February 2019
- Solicitation – April 2019
- Method of Supply Issuance – Summer 2019

6. Important Notes to Respondents

Interested Respondents may submit their responses to the PSPC Contracting Authority, identified below, preferably via email:

Name: Mark Hall
Title: Supply Specialist
Public Services and Procurement Canada (PSPC) Procurement Branch
Professional Services Procurement Directorate
Telephone: 613-858-8626
Email: mark.hall@tpsgc-pwgsc.gc.ca

Respondents are requested to submit their feedback in either official language of Canada. Suppliers should submit only pertinent information in response to this request. The inclusion of general marketing or technical manuals is discouraged unless they provide specific information that has been requested in this document.

Respondents may also make a request for a ninety (90) minute, one-on-one, meeting with the internal stakeholders to be held within thirty days following the date of RFI closing.

A point of contact for the Respondent should be included in the package.

7. Closing date for the RFI

Responses to this RFI, and requests for one-on-one meetings, should be submitted by E-mail to the PSPC Contracting Authority identified above, on or before the closing date.

8. Discussion Points for Feedback

- a) Under the current Standing Offer (SO), a FM engagement requires a FM Team Leader, a FM Specialist and a back-up FM Specialist. The FM Specialist is responsible for the day to day fairness monitoring of the activities and provides the related experience, expertise, and guidance in rendering their professional opinions and attests to the fairness, openness and transparency of the activities. The FM Team Leader is responsible for the overall FM activities including ensuring the sufficiency, appropriateness, adequacy and quality of all products and services delivered to Canada. The FM Team Leader responsibilities include, but are not limited to, requests for replacements, travel authorization requests and review of invoices prior to submission.

PSPC is looking for comments on how to improve and increase the efficiency of the FM Team Leader role and may consider removing it. Is it possible that these responsibilities can be maintained without a FM Team Leader?

- b) We currently require the following mandatory technical criteria as per RFSO EP737- 150967 for a FM Specialist:

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We are looking for your feedback in modifying these mandatory criteria for an FM Specialist to ensure we are getting the experience required to effectively execute the fairness monitoring work without limiting our pool of resources and allowing for

the development of new FM's.

- c) Since 2005, PSPC has been using Fairness Monitoring as a proactive measure to provide management, client departments, government suppliers, Parliament and Canadians with independent assurance that procurement activities are conducted in a fair, open and transparent manner. The focus for the next phase of the Fairness Monitoring program is to formally document ongoing Fairness Monitor observations and resolved fairness issues. The objective is to capture lessons learned and best practices to potentially support policy or process improvements. We are inviting you to provide us with feedback on how we might best capture this information from FM engagements.

9. Expected Response to this Request for Information – Supplier Information

The intent of this RFI is to obtain feedback on the existing MoS for the purposes described above. Interested suppliers should provide:

- a) Organization name;
- b) Contact name, telephone number and email address;
- c) Any responses you have to the above noted discussion points; and
- d) Any other information that you feel to be relevant to this RFI.

Canada may contact any respondents directly for the purpose of seeking clarification or elaboration on any information that is provided.

FAIRNESS MONITORING ENGAGEMENT REQUIREMENTS FOR [Insert name of FM project]

1.0 FAIRNESS MONITORS - REQUIREMENT SUMMARY

- 1.1 The Fairness Monitoring and Business Dispute Management Directorate of Public Works and Government Services Canada (PWGSC) requires the services of an Fairness Monitoring (FM) Contractor to monitor [insert name of FM project], and to provide assurance whether this activity is conducted in a fair, open and transparent manner and that all actions involved in the specific activity are conducted in accordance with the official governance structure and prescribed processes.
- 1.2 The FM Contractor must provide three resources, an FM Team Leader, an FM Specialist and a backup FM Specialist. The roles of the FM Specialist and FM Team Leader are defined in subsections 2.5 and 2.6 below.
- 1.3 Work will be conducted primarily in the National Capital Region (NCR). Travel requirements are specified in Section 6.0 below.

The FM Team may be required to travel outside the NCR. All travel must be pre-approved by the Director, Fairness Monitoring and Business Dispute Management Directorate and must be in accordance with the *National Joint Council Travel Directive*. The FM Team is responsible for making its own travel arrangements and providing their travel information to the FM Project Authority.

- 1.4 A complete list of FM services and deliverables are detailed in Sections 7.0 and 8.0 below.
- 1.5 Detailed information on the [insert name of FM project] is available in Appendix 1.

2.0 DEFINITIONS

- 2.1 **Fair** (*équitable*): decisions are made objectively, free from bias, favoritism or influence and conform to established rules.
- 2.2 **Fairness deficiency** (*lacune en matière d'équité*): a departmental process, procedure, action, omission or decision observed by the Fairness Monitor that has impacted or if not adequately addressed, is likely to impact negatively on the fairness, openness or transparency of the monitored activity (see section 4.0 of the Terms of Reference).
- 2.3 **FM Contractor** (*entrepreneur en surveillance de l'équité*): an independent third-party observer whose role is to observe all or part of an activity in order to identify any potential fairness deficiencies and provide an opinion on the fairness, openness and transparency of that activity. The FM Contractor is accountable to provide products and services to Canada under this Contract.
- 2.4 **FM Project Authority** (*chargé de projet de SÉ*): the representative of PWGSC for whom the Work will be carried out pursuant to a call-up against the Standing Offer (SO) and is responsible for all the technical content of the Work under the resulting Contract.
- 2.5 **FM Specialist** (*spécialiste de la SÉ*): the FM Team member who is responsible for the day to day activities and provides the related experience, expertise, and guidance in rendering his professional opinions considered essential for ensuring the quality of the products and services the FM Contractor is accountable to deliver to Canada under this Contract.
- 2.6 **FM Team Leader** (*chef d'équipe de SÉ*): the FM Team member who is responsible for the FM activities undertaken in accordance with the SOW, including, but not limited to, requests for

replacements, travel authorization requests and review of invoices prior to submission. The FM Team Leader must ensure the sufficiency, appropriateness, adequacy and quality of all products and services delivered to Canada under this Contract.

- 2.7 **Monitored activity** (*activité sous surveillance*): the activity being monitored by Fairness Monitors.
- 2.8 **Open** (*ouvert*): an activity that is accessible to all potential participants, without unjustified restrictions as to who may participate.
- 2.9 **Opinion services** (*services d'opinion*): services in which a formal expression of a professional opinion, to be relied upon by a third-party, in one or more of the following categories is provided:
- accounting;
 - architectural;
 - audit;
 - engineering
 - fairness monitoring;
 - legal;
 - procurement (acquisition of goods, services, construction services);
 - real property (leasing, property management).
- 2.10 **Qualified opinion** (*opinion avec réserve*): an opinion as to the fairness, openness and transparency of the monitored activity which specifies a substantiated, unresolved fairness deficiency.
- 2.11 **Transparent** (*transparent*): providing information to the public and interested parties in a timely manner that facilitates public scrutiny.
- 2.12 **Unqualified opinion** (*opinion sans réserve*): an opinion that the monitored activity was carried out in a fair, open and transparent manner.

3.0 TERMS OF REFERENCE

- 3.1 The FM Contractor and the resources provided to carry out the Work must abide by the Terms of Reference for FM Engagements set out in the Standing Offer.

4.0 LANGUAGE

- 4.1 [ENGLISH AND/OR FRENCH, TO BE SPECIFIED AT TIME OF CALL-UP]:

Under this Contract, the FM Team Leader and the FM Specialists identified by the FM Contractor will provide services in **English**.

Under this Contract, the FM Team Leader identified by the FM Contractor will provide services in **English**, and the FM Specialists identified by the FM Contractor will provide services in **both English and French**.

Under this Contract, the FM Team Leader and the FM Specialists identified by the FM Contractor will provide services in **both English and French**.

Under this Contract, the FM Team Leader and the FM Specialists identified by the FM Contractor will provide services in **English**. In the event that some of the activities take place in French, the FM Contractor will need to provide a bilingual resource to facilitate understanding of the material and/or discussion, if the FM resources are not sufficiently proficient in the French language.

5.0 SECURITY

- 5.1 Under this Contract, the FM Team Leader and the FM Specialists identified by the FM Contractor must have a valid personnel security screening at the level of [SECURITY WILL BE SPECIFIED AT TIME OF CALL-UP]:
Reliability (Common PS SRCL #6).
Secret (Common PSSRCL #34).

6.0 TRAVEL

- 6.1 [TRAVEL REQUIREMENTS WILL BE SPECIFIED AT THE TIME OF CALL-UP].

7.0 FAIRNESS MONITOR SERVICES

The FM Contractor must:

- 7.1 Become familiar with the governance structure and processes used during the monitored activity, and monitor the actions and decisions of each entity/individual within the governance structure and determine if these actions and decisions remain consistent with the established governance structure;
- 7.2 Become familiar with project documentation including, but not limited to, the Request for Information (RFI), Request for Proposals (RFP) and the Evaluation Criteria [NOTE THAT THE DOCUMENTS WILL VARY DEPENDING ON THE TYPE OF ACTIVITY AND THE STRATEGY BEING USED AS NOTED AT TIME OF CALL-UP];
- 7.3 Observe all or part of the activities and process undertaken during the [insert name of FM project];
- 7.4 Assess the fairness, openness and transparency of key activity documentation prepared, such as, but not limited to RFI, RFP, Invitation to Tender (ITT), etc., for each stage of the process;
- 7.5 Attend in person, as applicable but not limited to, meetings or events during the monitored activity such as: information sessions, evaluation meeting(s), consensus meeting(s), site visit(s), bidder conference(s), debriefing session(s) with proponents, etc.;
- 7.6 Monitor communications with proponents, such as, but not limited to, proponents' questions and responses, requests for clarification, e-mail exchanges, debriefings, etc., during the process of the monitored activity;
- 7.7 Identify and assess the impact(s) of any issues with respect to the fairness, openness and transparency of the activities and process(es) undertaken during the [insert name of FM project];
- 7.8 Report verbally to the FM Project Authority any unresolved fairness issues of the monitored activity and follow-up by e-mail within 24 hours following verbal notification;
- 7.9 Provide an overall opinion on the fairness, openness and transparency of the activities and process(es) observed;
- 7.10 Substantiate any identified outstanding fairness deficiencies;
- 7.11 Provide written reports to the FM Project Authority as outlined in the subsequent "Fairness Monitor Deliverables" section;
- 7.12 Assist, if requested by the FM Project Authority, with the development and/or delivery of any defence to a challenge of the monitored activity (for example, but not limited to, through the

Canadian International Trade Tribunal (CITT) and/or Federal Court) where the FM has rendered an opinion; and

7.12.1 If required, provide expert testimony supporting the FM's opinion at CITT and/or Federal Court.

8.0 FAIRNESS MONITOR DELIVERABLES

Note: if any of the report/deliverables stated below cannot be submitted to the FM Project Authority as per the indicated time frame, a written justification must be provided within the week prior to deadline. The FM Project Authority reserves the right to accept or refuse the reason(s) for the delay. The FM Project Authority will review the justification provided and will confirm its decision in writing to the FM Contractor.

The deliverables under this Contract will consist of:

- 8.1 **Workplan** to be delivered to the FM Project Authority outlining activities that the FM Contractor proposes to undertake for all phases of the monitored activity. This must be provided within three weeks of the kick-off meeting. The workplan will be based on the current state of information and hence will be revised as and when required. The FM Project Authority will review and approve in writing the proposed workplan(s);
- 8.2 **[Insert name of phase] Report** (Template attached as Appendix 2) to be submitted to the FM Project Authority no later than one week following the conclusion of [insert name of phase]. This report must include an opinion of the fairness, openness and transparency of the activities monitored and/or documentation reviewed up to the conclusion of [insert name of phase]. *The number of interim reports will vary depending on the monitored activity*
- 8.3 **Final Report** (Template attached as Appendix 2) to be submitted to the FM Project Authority no later than two weeks following the conclusion of the evaluation phase of the monitored activity. The Final Report must include either an unqualified assurance statement or a qualified assurance statement. Any unresolved fairness deficiency must be fully explained and fully substantiated.
 - 8.3.1 **Addendum to the Final Report** (Template attached as Appendix 3) to be submitted to the FM Project Authority at the conclusion of the monitored activity, e.g. contract award or cancellation, and following any debriefing of proponent(s). In the event there was no debriefing of or feedback given to proponent(s), it must also be mentioned in this Addendum. This Addendum must be submitted to the FM Project Authority no later than one week following conclusion of that phase. This Addendum should not be more than one page long.
- 8.4 **Summary Document** (Guideline attached as Appendix 4) must be submitted to the FM Project Authority no later than one week following the delivery of the Addendum to the Final Report. The Summary Document must contain a summary of observations and issues resolved in real time, identification of any best practices, and it must include an analysis, the nature of which would contribute to lessons learned.
- 8.5 All deliverables mentioned above must be provided to the FM Project Authority in [English or French], with the exception of the Final Report and Addendum, which must be provided in both official languages. The Final Report and the Addendum to the Final Report will become a public document subject to limits of disclosure under the *Privacy Act*.
- 8.6 The FM Contractor is responsible for the quality and accuracy of all deliverables and consistency between English and French versions.

- 8.7 All reports must be provided in electronic format using Microsoft Word and as a Portable Document Format (PDF) file signed by the FM Contractor's authorized representative, the FM Team Leader and the FM Specialist. The FM Team Leader or the FM Specialist on the issued call-up that has a professional designation must sign the reports or if the backup FM Specialist on the issued call-up is the only resource that has a professional designation, the FM Contractor's representative must have a professional designation and must sign the reports.

9.0 RESOURCES

- 9.1 For each call-up, the FM Contractor must provide the following resource categories:
- a. An FM Team Leader, each FM Team Leader must meet mandatory technical criterion MT4 in the Request for Bids EP737-150967/B;
 - b. An FM Specialist and a backup FM Specialist, each FM Specialist must meet mandatory technical criterion MT5 in the Request for Bids EP737-150967/B; and
 - c. At least one of the resources must meet mandatory technical criterion MT3 in the Request for Bids EP737-150967/B. The proposed FM Team Leader or the proposed FM Specialist for the call-up must have a professional designation or if the proposed backup FM Specialist for the call-up is the only resource that has a professional designation, the FM Contractor's representative must have a professional designation.

APPENDIX 1

CONTEXT OF THE MONITORED PROJECT

Timelines given are approximate. Dates are subject to change.

[PLEASE COMPLETE THIS SECTION ONLY].

APPENDIX 2

TEMPLATE FOR FAIRNESS MONITOR REPORTS

Interim report(s) provide(s) a concise overview of a phase of the FM engagement for the monitored activity while the final report provides a concise overview of the total FM engagement for the monitored activity. All reports will include an attestation as to the fairness, openness and transparency of the monitored activity.

Reports must be printed on the FM Contractor's letterhead and must include the following sections:

Title page

The title page must contain the following information:

[NAME OF MONITORED ACTIVITY AS IN THE SOLICITATION DOCUMENTS]
Fairness Monitor [INSERT NAME OF PHASE] report
[DATE OF SUBMISSION]

Submitted to: Director, Fairness Monitoring
Submitted by: [NAME OF FM CONTRACTOR]

Note: The title page should convey accurately, clearly and concisely the subject of the report. Please omit any verbs or articles. Please do not use acronyms or excess capital letters on the title page. The name of monitored activity should remain consistent throughout all reports.

Table of contents

Note: A table of contents must be included. Please do not use acronyms in headings and sub-headings. Only the first word is capitalized in headings and sub-headings.

Introduction

This section will provide the context of the FM engagement as set out in the engagement requirements.

[NAME OF FM CONTRACTOR] was engaged as a fairness monitor (FM) to observe on [START DATE OF FM CONTRACT] the [PROCESS] for [NAME OF MONITORED ACTIVITY], issued by Public Works and Government Services Canada (PWGSC) on behalf of [NAME OF CLIENT ORGANIZATION] as a result of [SOLICITATION # OR OTHER RELEVANT DOCUMENT #]. [INSERT NAME OF FM CONTRACTOR] is an independent third party with respect to this activity.

We reviewed all of the information provided and observed all relevant activities.

We hereby submit the [NAME OF PHASE] report, covering the activities of the FM, commencing with the [APPROPRIATE STARTING POINT SUCH AS RFI, ETC.] on [START DATE], continuing through the [PHASES OBSERVED SUCH AS RFP, CONSENSUS MEETINGS, ETC.] on [END DATE].

This report includes our attestation of assurance, a summary of the scope and objectives of our assignment, and relevant observations from the activities undertaken.

Note: The final report will normally cover all activities up to and including the final evaluation before contract award. Contract award and debriefing observations will be covered in the Addendum to the final report.

Attestation of assurance

This section will set out the overall attestation as to the fairness, openness and transparency (as set out in Section 2.0 above) of the monitored activity using the following language. Provide context and substantiation for any fairness deficiencies that are noted:

1. *Unqualified report where there are no outstanding fairness deficiencies:*

The fairness monitor hereby provides the following unqualified assurance statement concerning [NAME OF MONITORED ACTIVITY AND THE PHASE]:

It is our professional opinion that the [PROCESS] we observed, was carried out in a fair, open and transparent manner.

2. *Qualified report where there are minor fairness deficiencies in part of the process but the overall process was conducted in a fair, open and transparent manner:*

We observed the following minor deficiency(ies) in the process:
[INSERT CONCISE STATEMENT OF DEFICIENCY]

It is our professional opinion that, notwithstanding these minor deficiencies, the [PROCESS] we observed was carried out in a fair, open and transparent manner.

3. *Qualified report where there are significant fairness deficiencies affecting the overall fairness, openness or transparency of the monitored activity:*

We observed the following material deficiency(ies) in the process:
[INSERT CONCISE STATEMENT OF DEFICIENCY]

It is our professional opinion that, because of the significance of the above deficiency(ies), the [NAME OF MONITORED ACTIVITY] we observed was carried out in a [INSERT WHICH ELEMENTS APPLY, E.G., FAIR AND/OR OPEN AND/OR TRANSPARENT] manner, however, due to the above noted deficiency it was not carried out in a [INDICATE WHICH ELEMENT WAS COMPROMISED, E.G., FAIR AND/OR OPEN AND/OR TRANSPARENT] manner.

PWGSC reserves the right to provide a formal management response, with respect to any fairness deficiency identified in the final report, to be published with the final report.

Note: The FM Contractor's signatures will follow the attestation.

The signature of the FM Contractor's Representative who officially represents the FM Contractor in all of its dealings with Canada, as indicated in the contract, is required as well as the signature from the FM Team Leader and the FM Specialists. It is preferred that the FM Contractor's Representative be neither the FM Team Leader nor the FM Specialist for the monitored activity. Please include one signature box per individual who performed services on the engagement. The FM Team Leader or the FM Specialist on the issued call-up that has a professional designation must sign the reports or if the backup FM Specialist on the issued call-up is the only resource that has a professional designation, the FM Contractor's representative must have a professional designation and must sign the reports.

[FM Contractor's Representative]
[Title, FM Company Name]

[FM Team Leader's name]
[Professional Designation, if applicable]

[Professional Designation, if applicable]

FM Team Leader

[FM Specialist's name]
[Professional Designation, if applicable]
FM Specialist

[FM Specialist's name]
[Professional Designation, if applicable]
FM Specialist

Project Requirement

This section will provide an overview of the activity being monitored including the different phases, timelines, and any other pertinent information.

Fairness monitoring engagement and observations

[INSERT NAME OF FM CONTRACTOR] was engaged as an FM to observe the [INSERT PROCESS] for [INSERT NAME OF MONITORED ACTIVITY], and to attest to the fairness, openness and transparency of this monitored activity.

In accordance with the terms of our engagement, we familiarized ourselves with the relevant documents, observed [INSERT APPROPRIATE PHASES/STAGES OBSERVED, FOR EXAMPLE, PRE-BID-SOLICITATION ACTIVITIES, BID SOLICITATION ACTIVITIES, ETC.] identifying fairness-related matters to the [INSERT APPROPRIATE PARTIES, E.G., CONTRACTING AND TECHNICAL AUTHORITIES] and ensuring that responses and actions were reasonable and appropriate.

[DESCRIPTION OF THE FM'S ACTIVITIES OVER THE COURSE OF THE ENGAGEMENT AND RELATED OBSERVATIONS]

Reference documents

Documents related to solicitation number [INSERT SOLICITATION # WITH IMBEDED HYPERLINK OF THE URL FOR THE BUYANDSELL.GC.CA PAGE RELATED TO THIS ACTIVITY] are available on Buyandsell.gc.ca and/or through the project office.

APPENDIX 3

TEMPLATE FOR ADDENDUM TO THE FINAL REPORT

Addendum to the final report

[DATE]

Addendum to the final report dated [DATE] for [NAME OF MONITORED ACTIVITY]

This addendum to the final report covers the period following the conclusion of the evaluation phase including contract [cancellation post evaluation] OR [award] [and debriefings].

[INSERT TEXT COVERING ACTIVITIES RELATED TO CONTRACT AWARD. IN THE EVENT THERE WAS NO CONTRACT AWARD OR NO DEBRIEFING, THIS MUST BE STATED IN THIS TEXT].

[CONCLUDE THIS ADDENDUM WITH AN ATTESTATION STATEMENT ON THE FAIRNESS, OPENNESS AND TRANSPARENCY OF THIS PHASE].

Note: Attestation statement should be consistent with direction given in the above template for Appendix 2 Interim and final report.

Note: The FM Contractor's signatures will follow the attestation.

The signature of the FM Contractor's Representative who officially represents the FM Contractor in all of its dealings with Canada, as indicated in the contract, is required as well as the signature from the FM Team Leader and the FM Specialists. It is preferred that the FM Contractor's Representative be neither the FM Team Leader nor the FM Specialist for the monitored activity. Please include one signature box per individual and include all FM's who performed services on the engagement. The FM Team Leader or the FM Specialist on the issued call-up that has a professional designation must sign the reports or if the backup FM Specialist on the issued call-up is the only resource that has a professional designation, the FM Contractor's representative must have a professional designation and must sign the reports.

[FM Contractor's Representative]
[Title, FM Company Name]
[Professional Designation, if applicable]

[FM Team Leader's name]
[Professional Designation, if applicable]
FM Team Leader

[FM Specialist's name]
[Professional Designation, if applicable]
FM Specialist

[FM Specialist's name]
[Professional Designation, if applicable]
FM Specialist

APPENDIX 4

GUIDELINE FOR FAIRNESS MONITOR SUMMARY REPORT

Reports must be printed on the FM Contractor's letterhead and must include the following sections:

Title page

The title page must contain the following information:

[INSERT NAME OF MONITORED ACTIVITY AS IN THE SOLICITATION DOCUMENTS]

Fairness monitor summary report

[INSERT DATE OF SUBMISSION]

Submitted to: Director, Fairness Monitoring

Submitted by: [NAME OF FM CONTRACTOR]

Introduction

This section will provide the context of the FM engagement as set out in the Engagement Requirements.

[NAME OF FM CONTRACTOR] was engaged as a Fairness Monitor (FM) to observe the [PROCESS] for [NAME OF MONITORED ACTIVITY], issued by Public Works and Government Services Canada (PWGSC) on behalf of [NAME OF CLIENT ORGANIZATION] as a result of [INSERT SOLICITATION # OR OTHER RELEVANT DOCUMENT #]. [NAME OF FM CONTRACTOR] is an independent third party with respect to this activity.

For each section below, please provide any observations that lent to or hindered the fairness, openness and transparency of the project. Please include any best practices, opportunities missed, risks needlessly incurred etc.

Procurement planning/pre-issue stage

Posting period

Solicitation closing

Evaluation

Communications and debriefing

Conclusion

Measures which specifically assisted in achieving a fair, open and transparent process were:

In support of future improvements, the following observations/recommendations are noted: