

**From:** [DL Shaw Consulting](#)  
**To:** [Willow, Vicki TRAN:EX](#); [Wiebe, Ian JAG:EX](#); [Lorimer, Mike TRAN:EX](#)  
**Cc:** [Sundher, Veena TRAN:EX](#); [Pleice, Jenny L TRAN:EX](#); [Fox, Rachel TRAN:EX](#)  
**Subject:** FW: Vendor Complaint Form - Request for Review of MoTI Tender RFP-23887  
**Date:** Wednesday, August 31, 2016 10:43:43 PM  
**Attachments:** [160831-AvaTek\\_Vendor\\_Complaint\\_Form\\_Submitted\\_to\\_MoTI.PDF](#)  
[Automatic reply Vendor Complaint Form - Request for Review of MoTI Tender RFP-23887.msg](#)  
[Award Letter 23887DB0001.pdf](#)

---

For Ministry response.

Complain received from Mr. John Hien of AvaTek Mountain Systems/TAS Equipment Sales, with respect to RFP "23887 RACS DB", Hwy #1 – Revelstoke West Avalanche Control Systems Design Build.

BC Bid documents may be found at: [https://www.bcbid.gov.bc.ca/open.dll/showDisplayDocument?sessionID=1729471206&disID=32880686&docType=Tender&dis\\_version\\_nos=5&doc\\_search\\_by=Tend&docTypeQual=TN](https://www.bcbid.gov.bc.ca/open.dll/showDisplayDocument?sessionID=1729471206&disID=32880686&docType=Tender&dis_version_nos=5&doc_search_by=Tend&docTypeQual=TN)

The complainant is essentially seeking confirmation that:

1. the successful Proponent (Wyssen Avalanche Control Inc) was legally incorporated in BC; [this was confirmed by SIR Contract Admin staff prior to Award, not at the time of Closing]
2. evaluation criteria were met; [as Due Diligence Advisor, I state that they were, and the Farness Advisor Owen Pawson, LLB has reported the process was fair and compliant]
3. Federal and Provincial regs were met; [As far as I know, the process was compliant with trade regulations, but I cannot speak to any other regulations that may be germane]; and
4. a review of the criteria and evaluation. [The criteria were reviewed with the Ministry and by the Fairness Advisor prior to release]

The complainant was not a bidder on this RFP, but was apparently the supplier to both the 2<sup>nd</sup> place firm as well as the disqualified proponent. Regardless, they have a "business interest" that is affected by the outcome, so they appear to be a valid complainant.

As the "Contact Person" for the majority of this RFP, I have not had any prior contact or correspondence with the complainant or the firm he represents with regard to this submission.

Reid Drummond of Stantec Consulting ([Reid.Drummond@stantec.com](mailto:Reid.Drummond@stantec.com); 250-299-1494) was the original Contact Person, from the posting date of May 31, 2016 to June 24, 2016, when I was appointed via Addendum #02, and I am not aware of any contact he may have had with Mr. Hein or AvaTek with respect to this complaint.

The Award date was August 3, 2016 [I have attached a copy of award letter], so this complaint was received within the allowed 30 days.

I have not informed Reid of this inquiry, until such time as the Ministry provides such permission.

If I can be of any assistance in responding to this complaint, please let me know.

**D.L. (Don) Shaw, PEng**

[Don.Shaw@shaw.ca](mailto:Don.Shaw@shaw.ca)

Cell: 250-371-7161



#7 -1795 Summit Dr.

Kamloops, BC V2E 2E8

---

**From:** DL Shaw Consulting [<mailto:don.shaw@shaw.ca>]

**Sent:** August 31, 2016 9:49 PM

**To:** 'Phil Hein - AvaTek' <phil.hein@avateksystems.ca>

**Cc:** 'Jim Bay - AvaTek' <jim.bay@avateksystems.ca>; 'Vincent Helary' <vincent.helary@tas.fr>; 'Ernesto Bassetti' <ernesto.bassetti@mnd-group.com>

**Subject:** RE: Vendor Complaint Form - Request for Review of MoTI Tender RFP-23887

Your request has been received and someone from the Ministry will contact you in due course.

**D.L. (Don) Shaw, PEng**

[Don.Shaw@shaw.ca](mailto:Don.Shaw@shaw.ca)

"Contact Person"

RFP 23887 RACS DB



#7 -1795 Summit Dr.

Kamloops, BC V2E 2E8

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**From:** Phil Hein - AvaTek [<mailto:phil.hein@avateksystems.ca>]

**Sent:** August 31, 2016 8:35 PM

**To:** Don Shaw <[Don.Shaw@shaw.ca](mailto:Don.Shaw@shaw.ca)>

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**Subject:** FW: Vendor Complaint Form - Request for Review of MoTI Tender RFP-23887

Dear Mr. Shaw,

I am forwarding you the email that was sent along to the Ministry office contacts in Victoria today, regarding the submission of a request to review the 3-Valley Gap RFP-23887 tender process. You will find our discussion of this in the email content below, as well as the attached 'Vendor Complaint Form' found via the BCBid and the Ministry of Transportation website concerning the complaint process.

After reviewing the form late today, I noticed that the form at the bottom also lists the Procurement Contact indicated in the solicitation document. You were the primary contact person we believe for the 3VG RACS tender listed at the BCBid site information for the tender.

Thank you for your attention to this request. We would appreciate acknowledgement that it has been received.

Your sincerely, Phil Hein

*Phil Hein*

Principal/Manager/Avalanche Professional  
office.250.344.2122, cell.250.344.0981

***AvaTek Mountain Systems Inc :: Avalanche Control Technology & Mountain Safety Systems >>***

PO Box 990, / #1116 Horse Creek Road North,  
Golden, British Columbia, V0A 1H0, Canada

---

**From:** Phil Hein - AvaTek [<mailto:phil.hein@avateksystems.ca>]

**Sent:** August-31-16 3:51 PM

**To:** Jenny Pleice ([Jenny.Pleice@gov.bc.ca](mailto:Jenny.Pleice@gov.bc.ca)); Rachel Fox ([Rachel.Fox@gov.bc.ca](mailto:Rachel.Fox@gov.bc.ca)); Veena Sundher ([veena.sundher@gov.bc.ca](mailto:veena.sundher@gov.bc.ca))

**Cc:** 'Jim Bay - AvaTek' ([jim.bay@avateksystems.ca](mailto:jim.bay@avateksystems.ca)); 'vincent H elary' ([vincent.helary@tas.fr](mailto:vincent.helary@tas.fr)); 'Ernesto Bassetti'

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Dear Ms. Jenny Pleice and/or Rachel Fox,

Please see the email forwarded below, and the attached 'Vendor Complaint Form', and request for review. This was forwarded to the address provided at the Ministry website regarding the vendor complaint review process. Since Ms. Sundher is currently out of the office **s.22**, she has provided alternate contacts as Jenny Pleice and Rachel Fox as per the attached 'automatic-reply'.

Thank you for your attention to this matter. Could one of you please acknowledge receipt of this letter and of the submitted form attached.

Thank you, Phil Hein

**Phil Hein**

Principal/Manager/Avalanche Professional  
office.250.344.2122, cell.250.344.0981

**AvaTek Mountain Systems Inc :: Avalanche Control Technology & Mountain Safety Systems >>**

PO Box 990, / #1116 Horse Creek Road North,  
Golden, British Columbia, V0A 1H0, Canada

---

**From:** Phil Hein - AvaTek [<mailto:phil.hein@avateksystems.ca>]  
**Sent:** August-31-16 3:32 PM  
**To:** Veena Sundher  
**Cc:** 'Jim Bay - AvaTek'; 'vincent Héлары'; 'Ernesto Bassetti'  
**Subject:** Vendor Complaint Form - Request for Review of MoTI Tender RFP-23887

Attention: Veena Sundher  
Corporate Contract Officer  
Construction and Maintenance Branch  
Corporate Procurement Programs  
4C – 940 Blanshard Street  
PO Box 9850 Stn Prov Govt  
Victoria, BC  
V8W 9T5

RE: Tender RFP-23887, Ministry of Transportation and Infrastructure: 3-Valley Gap - RACS

Dear Ms. Sundher,

Please find attached and signed the 'Vendor Complaint Form' that is located at the Ministry website.

AvaTek Mountain Systems Inc (AvaTek), and TAS (Technologie Alpine de Securite) are suppliers of Remote Avalanche Control Systems (RACS) in Canada. AvaTek is the distributor of TAS Equipment in Canada and is based in British Columbia. TAS is the Manufacturer of the RACS equipment in France.

Our 'TAS-O'BellX' remote avalanche control system (RACS) equipment was chosen by two prime contractor groups who submitted tendered bids on RFP-23887 in late June and early July 2016. As the suppliers of the proposed equipment, we are not direct bidders to the tender process, but are involved as the equipment suppliers to the construction and installation contractors. We would like to request a formal review of the procurement process of this tender as of the closing date July 12<sup>th</sup>, 2016, and of the process leading to the award of the tender on August 3rd, 2016.

Thank you and we look forward to hearing from you further on our request, and on the receipt of this formal request form.

Yours Sincerely, Phil Hein

*Phil Hein*

Principal/Manager/Avalanche Professional  
office.250.344.2122, cell.250.344.0981

**AvaTek Mountain Systems Inc :: Avalanche Control Technology & Mountain Safety Systems >>**

PO Box 990, / #1116 Horse Creek Road North,  
Golden, British Columbia, V0A 1H0, Canada

## VENDOR COMPLAINT FORM

Name: Phil Hein  
Title: Manager  
Company/Organization Name: Avatek Mountain Systems Inc. / TAS Equipment Sales  
Address: PO Box 990, 1116 Horse Creek Road North,  
City: Golden, BC Postal Code: VOA 1H0  
Business Phone: 250-344-2122 Alternate: 250-344-0981  
Fax Number: \_\_\_\_\_ E-mail Address: phil.hein@avateksystems.ca

**The competition number or contract number**

RFP-23887 - RACS-DB: MoTI - Hwy 1 – Revelstoke West Remote Avalanche Control

**In the space below please provide the following and any additional information as necessary. If the space provided is insufficient, please attach additional pages:**

1. Description of the Complaint.
2. Background leading to the complaint (initial actions and ministry/PSS response, relevant dates, and the actions of the parties).
3. Who have you dealt with to date regarding the complaint? (*names, titles, phone numbers*).
4. Describe any other action you have taken.
5. Describe the outcome that you seek.

We would like to file a request for a review of the listed procurement tender process, regarding RFP-23887, which was awarded on August 3, 2016, to Wyssen Avalanche Control Inc.

AvaTek Mountain Systems Inc, the supplier of TAS (Technologie Alpine De Securite) Remote Avalanche Control Systems, wish to request a formal review of the tender and procurement process conducted in the above listed MoTI Tender Competition number: RFP-23887.

- we ask that the Ministry review that the successful proponent was a legally incorporated company/organization in Canada and BC, at the time of providing the bid by the closing date on July 12<sup>th</sup>, 2016;
- we ask that all BC Gov. and MoTI administrative procurement requirements were met by the awarded proponent at the time of the bid closing deadline on July 12<sup>th</sup>, 2016;
- we ask that MoTI verifies that all Provincial and Federal regulations surrounding the requirements of the RACS tender 23887 at 3-Valley Gap were met by the proponent at the time of the bid closing;
- we ask that the Ministry reviews the tender criteria and evaluation components that were established for this tender process;
- we would appreciate formal correspondence that accounts for the above review request.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

August 31<sup>st</sup>, 2016

*The completed form is to be submitted to the Procurement Contact indicated in the solicitation document or the ministry/PSS VCRP Contact Person identified on the ministry web site located at:*

***<http://www.th.gov.bc.ca>***



August 3, 2016

File No. 1070-20  
Contract No. 23887DB0001

Wyssen Avalanche Control Inc.  
201 – 217 Mackenzie Ave.  
P.O. Box 2699  
Revelstoke, BC V0E 2S0

Dear Sir or Madam:

**Re: Project No. 23887-0001: Hwy 1 – Revelstoke West Remote Avalanche Control Systems  
Design Build**

Please be advised that your Proposal in the amount of **\$2,122,476.00** has been accepted.

Kindly arrange to forward a **Performance Bond, and a Labour and Material Payment Bond**, each in the amount of fifty per cent of your Proposal Price, **and your WCB number within 14 days from the date of this letter**, to the Regional Contract Administration Office, 342- 447 Columbia St., Kamloops, BC V2C 2T9 . Each bond is to be made in favour of "Her Majesty the Queen in right of the Province of British Columbia as represented by the Minister of Transportation and Infrastructure" as obligee. Please note that "Trustee Form" bonds are not acceptable.

**Kindly have the Certificate of Insurance H0111 forwarded** to the Corporate Insurance and Bonds Manager, 4C – 940 Blanshard Street, PO Box 9850 Stn Prov Govt, Victoria, British Columbia V8W 9T5 **within 14 days from the date of this letter**. On all policies, the named insured shall be in accordance with the detailed insurance specifications in the contract documents. Please take particular note that the named insured are not necessarily the same on all policies.

**Please note that until Performance Security, Insurance and WCB requirements have been met, the Ministry will not execute the final contract documents and work should not commence.**

It should be noted that the maximum contract amount of \$2,122,476.00 must not be exceeded unless prior written approval is obtained from the Ministry.

The Ministry Representative for the above mentioned project is Mr. Barry Bergstrom, cell 604-328-4360, Barry.Bergstrom@tetrattech.com.

We will be forwarding the contract documents for signing within the next few days. If you have any questions, please contact the Contract Administration Office at 250-828-4982.

Yours truly,

Nicole Folk  
Regional Manager, Corporate and Operational Services

---

**Ministry of Transportation  
and Infrastructure**

Corporate and Operational Services  
Southern Interior Region

Mailing Address:  
342 – 447 Columbia St.  
Kamloops, BC V2C2T9  
Telephone: 250-828-4982  
Fax: 250-828-4229

Location:  
342 – 447 Columbia St.  
Kamloops, BC V2C 2T9  
[www.gov.bc.ca/tran](http://www.gov.bc.ca/tran)

copy: Contract File  
Yasser Abdelghany, Construction Standards and Contracts  
Keith Callander, Director, Provincial Field Services  
Jennifer Fraser, Regional Manager, Project Delivery  
Reid Drummond, Project Manager,  
Stantec Consulting Ltd. 300 -175 2<sup>nd</sup> Ave, Kamloops, BC V2C 5W1  
[Reid.Drummond@stantec.com](mailto:Reid.Drummond@stantec.com)  
250-852-5907  
Barry Bergstrom, Ministry Representative, Tetra Tech  
[Barry.Bergstrom@Tetrattech.com](mailto:Barry.Bergstrom@Tetrattech.com)  
604-328-4360  
Corporate Insurance and Bonds Manager  
Jack Bennetto, District Manager Transportation, Robson District  
GCPE Communications (Trish Rorison)  
Manager of Business Planning & Client Relations (Gloria Valle)  
Contractor's Telephone Number: 0043 6644373780  
Contractor's Email Address: [Walter@wyssen.com](mailto:Walter@wyssen.com)

**From:** [Sundher, Veena TRAN:EX](#)  
**To:** [Phil Hein - AvaTek](#)  
**Subject:** Automatic reply: Vendor Complaint Form - Request for Review of MoTI Tender RFP-23887  
**Date:** Wednesday, August 31, 2016 2:32:36 PM

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Thank you for your email.

I am currently out of the office and will be returning on **s.22**  
**s.22**

For urgent issues please contact:

Jenny Pleice at (250) 387-7865 or Rachel Fox at (250) 356-6235.

Cheers,  
Veena



Page 09 to/à Page 10

Withheld pursuant to/removed as

DUPLICATE

**From:** [Pleice, Jenny L TRAN:EX](#)  
**To:** [Willow, Vicki TRAN:EX](#)  
**Cc:** [Fox, Rachel TRAN:EX](#)  
**Subject:** Fwd: Vendor Complaint Form - Request for Review of MoTI Tender RFP-23887  
**Date:** Wednesday, August 31, 2016 2:54:55 PM  
**Attachments:** [160831-AvaTek Vendor Complaint Form Submitted to MoTI.pdf](#)  
[ATT00001.htm](#)  
[Automatic reply Vendor Complaint Form - Request for Review of MoTI Tender RFP-23887.msg](#)  
[ATT00002.htm](#)

---

Vicki... For discussion.

**Jenny Pleice**

**Manager Corporate Contracting**

Corporate Procurement and Risk Management

Ministry of Transportation and Infrastructure

PH: (250) 387-7865 FAX: (250) 356-9724

[Jenny.Pleice@gov.bc.ca](mailto:Jenny.Pleice@gov.bc.ca)

***This message, including any attachments to it, is confidential. It is intended only for the use of the person or persons to whom it is addressed. Any distribution, copying or other use by anyone else is strictly prohibited. If you have received this communication in error, please destroy the e-mail message and any attachments immediately and notify me by telephone or by e-mail. Thank you.***

Begin forwarded message:

**From:** Phil Hein - AvaTek <[phil.hein@avateksystems.ca](mailto:phil.hein@avateksystems.ca)>  
**Date:** August 31, 2016 at 2:50:30 PM PDT  
**To:** Jenny Pleice <[Jenny.Pleice@gov.bc.ca](mailto:Jenny.Pleice@gov.bc.ca)>, Rachel Fox <[Rachel.Fox@gov.bc.ca](mailto:Rachel.Fox@gov.bc.ca)>, Veena Sundher <[veena.sundher@gov.bc.ca](mailto:veena.sundher@gov.bc.ca)>  
**Cc:** 'Jim Bay - AvaTek' <[jim.bay@avateksystems.ca](mailto:jim.bay@avateksystems.ca)>, 'vincent H elary' <[vincent.helary@tas.fr](mailto:vincent.helary@tas.fr)>, "Ernesto Bassetti" <[Ernesto.Bassetti@mnd-group.com](mailto:Ernesto.Bassetti@mnd-group.com)>  
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Thank you, Phil Hein

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Principal/Manager/Avalanche Professional  
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**Cc:** 'Jim Bay - AvaTek'; 'vincent Héлары'; 'Ernesto Bassetti'

**Subject:** Vendor Complaint Form - Request for Review of MoTI Tender RFP-23887

Attention: Veena Sundher

Corporate Contract Officer

Construction and Maintenance Branch

Corporate Procurement Programs

4C – 940 Blanshard Street

PO Box 9850 Stn Prov Govt

Victoria, BC

V8W 9T5

RE: Tender RFP-23887, Ministry of Transportation and Infrastructure: 3-Valley Gap - RACS

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Yours Sincerely, Phil Hein

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PO Box 990, / #1116 Horse Creek Road North,  
Golden, British Columbia, V0A 1H0, Canada

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**To:** "DL Shaw Consulting"; Wiebe, Ian JAG:EX; Lorimer, Mike TRAN:EX  
**Cc:** Sundher, Veena TRAN:EX; Pleice, Jenny L TRAN:EX; Fox, Rachel TRAN:EX  
**Subject:** RE: Vendor Complaint Form - Request for Review of MoTI Tender RFP-23887  
**Date:** Thursday, September 1, 2016 9:07:58 AM

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Thank you for forwarding this Don and providing all of the background information.

We will review the complaint and advise if we need any additional information. I should also advise that technically we should be corresponding with the Chair of the evaluation committee as the Ministry person responsible for the procurement process. Was Rob Anderson the Chair? And is he aware of this vendor complaint.

Thanks very much!

Vicki

---

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[sessionID=1729471206&disID=32880686&docType=Tender&dis\\_version\\_nos=5&doc\\_search\\_by=Tend&docTypeQual=TN](https://www.bcbid.gov.bc.ca/open.dll/showDisplayDocument?sessionID=1729471206&disID=32880686&docType=Tender&dis_version_nos=5&doc_search_by=Tend&docTypeQual=TN)

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[Don.Shaw@shaw.ca](mailto:Don.Shaw@shaw.ca)

Cell: 250-371-7161



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[Don.Shaw@shaw.ca](mailto:Don.Shaw@shaw.ca)

"Contact Person"

RFP 23887 RACS DB



#7 -1795 Summit Dr.

Kamloops, BC V2E 2E8

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**Cc:** Jim Bay - AvaTek <[jim.bay@avateksystems.ca](mailto:jim.bay@avateksystems.ca)>; Vincent Helary <[vincent.helary@tas.fr](mailto:vincent.helary@tas.fr)>; Ernesto Bassetti <[ernesto.bassetti@mnd-group.com](mailto:ernesto.bassetti@mnd-group.com)>

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**Subject:** FW: Vendor Complaint Form - Request for Review of MoTI Tender RFP-23887

Dear Ms. Jenny Pleice and/or Rachel Fox,

Please see the email forwarded below, and the attached 'Vendor Complaint Form', and request for review. This was forwarded to the address provided at the Ministry website regarding the vendor complaint review process. Since Ms.

Sundher is currently out of the office until **8.22**, she has provided alternate contacts as Jenny Pleice and Rachel Fox as per the attached 'automatic-reply'.

Thank you for your attention to this matter. Could one of you please acknowledge receipt of this letter and of the submitted form attached.

Thank you, Phil Hein

*Phil Hein*

Principal/Manager/Avalanche Professional  
office.250.344.2122, cell.250.344.0981

***AvaTek Mountain Systems Inc :: Avalanche Control Technology & Mountain Safety Systems >>***

PO Box 990, / #1116 Horse Creek Road North,  
Golden, British Columbia, V0A 1H0, Canada

---

**From:** Phil Hein - AvaTek [<mailto:phil.hein@avateksystems.ca>]

**Sent:** August-31-16 3:32 PM

**To:** Veena Sundher

**Cc:** 'Jim Bay - AvaTek'; 'vincent Hélyar'; 'Ernesto Bassetti'

**Subject:** Vendor Complaint Form - Request for Review of MoTI Tender RFP-23887

Attention: Veena Sundher

Corporate Contract Officer

Construction and Maintenance Branch

Corporate Procurement Programs

4C – 940 Blanshard Street

PO Box 9850 Stn Prov Govt

Victoria, BC

V8W 9T5

RE: Tender RFP-23887, Ministry of Transportation and Infrastructure: 3-Valley Gap - RACS

Dear Ms. Sundher,

Please find attached and signed the 'Vendor Complaint Form' that is located at the Ministry website.

AvaTek Mountain Systems Inc (AvaTek), and TAS (Technologie Alpine de Securite) are suppliers of Remote Avalanche Control Systems (RACS) in Canada. AvaTek is the distributor of TAS Equipment in Canada and is based in British Columbia. TAS is the Manufacturer of the RACS equipment in France.

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Thank you and we look forward to hearing from you further on our request, and on the receipt of this formal request form.

Yours Sincerely, Phil Hein

***Phil Hein***

Principal/Manager/Avalanche Professional

office.250.344.2122, cell.250.344.0981

***AvaTek Mountain Systems Inc :: Avalanche Control Technology & Mountain Safety Systems >>***

PO Box 990, / #1116 Horse Creek Road North,

Golden, British Columbia, V0A 1H0, Canada

**From:** [Pleice, Jenny L TRAN:EX](#)  
**To:** "Phil Hein - AvaTek"; Fox, Rachel TRAN:EX; Sundher, Veena TRAN:EX  
**Cc:** "Jim Bay - AvaTek"; "vincent Héлары"; "Ernesto Bassetti"; Willow, Vicki TRAN:EX  
**Subject:** RE: Vendor Complaint Form - Request for Review of MoTI Tender RFP-23887  
**Date:** Thursday, September 1, 2016 9:11:00 AM

---

Mr. Hein,

This is to acknowledge receipt of your email of August 31, 2016 re: Vendor Complaint Form - Request for Review of MoTI Tender RFP-23887.

We will review your Vendor Complaint Form and respond.

Thank you.

*Jenny Pleice*

**Manager Corporate Contracting**

*Corporate Procurement and Risk Management  
Ministry of Transportation and Infrastructure  
PH: (250) 387-7865 FAX: (250) 356-9724  
[Jenny.Pleice@gov.bc.ca](mailto:Jenny.Pleice@gov.bc.ca)*

PLEASE NOTE: For Risk Management/Insurance and Bonds inquiries please email [InsuranceandBonds@gov.bc.ca](mailto:InsuranceandBonds@gov.bc.ca) directly.

*This message, including any attachments to it, is confidential. It is intended only for the use of the person or persons to whom it is addressed. Any distribution, copying or other use by anyone else is strictly prohibited. If you have received this communication in error, please destroy the e-mail message and any attachments immediately and notify me by telephone or by e-mail. Thank you.*

---

**From:** Phil Hein - AvaTek [<mailto:phil.hein@avateksystems.ca>]  
**Sent:** Wednesday, August 31, 2016 2:51 PM  
**To:** Pleice, Jenny L TRAN:EX; Fox, Rachel TRAN:EX; Sundher, Veena TRAN:EX  
**Cc:** 'Jim Bay - AvaTek'; 'vincent Héлары'; 'Ernesto Bassetti'  
**Subject:** FW: Vendor Complaint Form - Request for Review of MoTI Tender RFP-23887

Dear Ms. Jenny Pleice and/or Rachel Fox,

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Thank you, Phil Hein

*Phil Hein*

Principal/Manager/Avalanche Professional  
office.250.344.2122, cell.250.344.0981

***AvaTek Mountain Systems Inc :: Avalanche Control Technology & Mountain***

***Safety Systems >>***

PO Box 990, / #1116 Horse Creek Road North,  
Golden, British Columbia, V0A 1H0, Canada

---

**From:** Phil Hein - AvaTek [<mailto:phil.hein@avateksystems.ca>]  
**Sent:** August-31-16 3:32 PM  
**To:** Veena Sundher  
**Cc:** 'Jim Bay - AvaTek'; 'vincent Héлары'; 'Ernesto Bassetti'  
**Subject:** Vendor Complaint Form - Request for Review of MoTI Tender RFP-23887  
Attention: Veena Sundher  
Corporate Contract Officer

Construction and Maintenance Branch  
Corporate Procurement Programs  
4C – 940 Blanshard Street  
PO Box 9850 Stn Prov Govt  
Victoria, BC  
V8W 9T5

RE: Tender RFP-23887, Ministry of Transportation and Infrastructure: 3-Valley Gap - RACS

Dear Ms. Sundher,

Please find attached and signed the 'Vendor Complaint Form' that is located at the Ministry website. AvaTek Mountain Systems Inc (AvaTek), and TAS (Technologie Alpine de Securite) are suppliers of Remote Avalanche Control Systems (RACS) in Canada. AvaTek is the distributor of TAS Equipment in Canada and is based in British Columbia. TAS is the Manufacturer of the RACS equipment in France. Our 'TAS-O'BellX' remote avalanche control system (RACS) equipment was chosen by two prime contractor groups who submitted tendered bids on RFP-23887 in late June and early July 2016. As the suppliers of the proposed equipment, we are not direct bidders to the tender process, but are involved as the equipment suppliers to the construction and installation contractors. We would like to request a formal review of the procurement process of this tender as of the closing date July 12<sup>th</sup>, 2016, and of the process leading to the award of the tender on August 3rd, 2016.

Thank you and we look forward to hearing from you further on our request, and on the receipt of this formal request form.

Yours Sincerely, Phil Hein

*Phil Hein*

Principal/Manager/Avalanche Professional  
office.250.344.2122, cell.250.344.0981

**AvaTek Mountain Systems Inc :: Avalanche Control Technology & Mountain**

**Safety Systems >>**

PO Box 990, / #1116 Horse Creek Road North,  
Golden, British Columbia, V0A 1H0, Canada



**From:** [Don Shaw](#)  
**To:** [Willow, Vicki TRAN:EX](#)  
**Cc:** [Wiebe, Ian JAG:EX](#); [Lorimer, Mike TRAN:EX](#); [Sundher, Veena TRAN:EX](#); [Pleice, Jenny L TRAN:EX](#); [Fox, Rachel TRAN:EX](#)  
**Subject:** Re: Vendor Complaint Form - Request for Review of MoTI Tender RFP-23887  
**Date:** Thursday, September 1, 2016 11:44:33 AM

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Robb was the Chair and I have not informed him.

Don Shaw, PEng  
DL Shaw Consulting Inc  
250-371-7161  
[Don.Shaw@shaw.ca](mailto:Don.Shaw@shaw.ca)

On Sep 1, 2016, at 9:07 AM, Willow, Vicki TRAN:EX <[Vicki.Willow@gov.bc.ca](mailto:Vicki.Willow@gov.bc.ca)> wrote:

Thank you for forwarding this Don and providing all of the background information. We will review the complaint and advise if we need any additional information. I should also advise that technically we should be corresponding with the Chair of the evaluation committee as the Ministry person responsible for the procurement process. Was Rob Anderson the Chair? And is he aware of this vendor complaint. Thanks very much!

Vicki

---

**From:** DL Shaw Consulting [<mailto:don.shaw@shaw.ca>]  
**Sent:** Wednesday, August 31, 2016 10:43 PM  
**To:** Willow, Vicki TRAN:EX; Wiebe, Ian JAG:EX; Lorimer, Mike TRAN:EX  
**Cc:** Sundher, Veena TRAN:EX; Pleice, Jenny L TRAN:EX; Fox, Rachel TRAN:EX  
**Subject:** FW: Vendor Complaint Form - Request for Review of MoTI Tender RFP-23887

For Ministry response.

Complain received from Mr. John Hien of AvaTek Mountain Systems/TAS Equipment Sales, with respect to RFP "23887 RACS DB", Hwy #1 – Revelstoke West Avalanche Control Systems Design Build.

BC Bid documents may be found at: [https://www.bcbid.gov.bc.ca/open.dll/showDisplayDocument?sessionID=1729471206&disID=32880686&docType=Tender&dis\\_version\\_nos=5&doc\\_search\\_by=Tend&docTypeQual=TN](https://www.bcbid.gov.bc.ca/open.dll/showDisplayDocument?sessionID=1729471206&disID=32880686&docType=Tender&dis_version_nos=5&doc_search_by=Tend&docTypeQual=TN)

The complainant is essentially seeking confirmation that:

1. the successful Proponent (Wyssen Avalanche Control Inc) was legally incorporated in BC; [this was confirmed by SIR Contract Admin staff prior to Award, not at the time of Closing]
2. evaluation criteria were met; [as Due Diligence Advisor, I state that they were, and the Fairness Advisor Owen Pawson, LLB has reported the process was fair and compliant]
3. Federal and Provincial regs were met; [As far as I know, the process was compliant with trade regulations, but I cannot speak to any other regulations that may be germane]; and
4. a review of the criteria and evaluation. [The criteria were reviewed with the Ministry and by the Fairness Advisor prior to release]

The complainant was not a bidder on this RFP, but was apparently the supplier to both the 2<sup>nd</sup> place firm as well as the disqualified proponent. Regardless, they have a "business interest" that is affected by the outcome, so they appear to be a valid complainant.

As the "Contact Person" for the majority of this RFP, I have not had any prior contact or correspondence with the complainant or the firm he represents with regard to this submission.

Reid Drummond of Stantec Consulting ([Reid.Drummond@stantec.com](mailto:Reid.Drummond@stantec.com); 250-299-1494) was the original Contact Person, from the posting date of May 31, 2016 to June 24, 2016, when I was appointed via Addendum #02, and I am not aware of any contact he may have had with Mr. Hein or AvaTek with respect to this complaint.

The Award date was August 3, 2016 [I have attached a copy of award letter], so this complaint was received within the allowed 30 days.

I have not informed Reid of this inquiry, until such time as the Ministry provides such permission.

If I can be of any assistance in responding to this complaint, please let me know.

**D.L. (Don) Shaw, PEng**

[Don.Shaw@shaw.ca](mailto:Don.Shaw@shaw.ca)

Cell: 250-371-7161

#7 -1795 Summit Dr.

Kamloops, BC V2E 2E8

---

**From:** DL Shaw Consulting [<mailto:don.shaw@shaw.ca>]

**Sent:** August 31, 2016 9:49 PM

**To:** 'Phil Hein - AvaTek' <[phil.hein@avateksystems.ca](mailto:phil.hein@avateksystems.ca)>

**Cc:** 'Jim Bay - AvaTek' <[jim.bay@avateksystems.ca](mailto:jim.bay@avateksystems.ca)>; 'Vincent Helary' <[vincent.helary@tas.fr](mailto:vincent.helary@tas.fr)>; 'Ernesto Bassetti' <[ernesto.bassetti@mnd-group.com](mailto:ernesto.bassetti@mnd-group.com)>

**Subject:** RE: Vendor Complaint Form - Request for Review of MoTI Tender RFP-23887

Your request has been received and someone from the Ministry will contact you in due course.

**D.L. (Don) Shaw, PEng**

[Don.Shaw@shaw.ca](mailto:Don.Shaw@shaw.ca)

"Contact Person"

RFP 23887 RACS DB

#7 -1795 Summit Dr.

Kamloops, BC V2E 2E8

---

**From:** Phil Hein - AvaTek [<mailto:phil.hein@avateksystems.ca>]

**Sent:** August 31, 2016 8:35 PM

**To:** Don Shaw <[Don.Shaw@shaw.ca](mailto:Don.Shaw@shaw.ca)>

**Cc:** Jim Bay - AvaTek <[jim.bay@avateksystems.ca](mailto:jim.bay@avateksystems.ca)>; Vincent Helary <[vincent.helary@tas.fr](mailto:vincent.helary@tas.fr)>; Ernesto Bassetti <[ernesto.bassetti@mnd-group.com](mailto:ernesto.bassetti@mnd-group.com)>

**Subject:** FW: Vendor Complaint Form - Request for Review of MoTI Tender RFP-23887

Dear Mr. Shaw,

I am forwarding you the email that was sent along to the Ministry office contacts in Victoria today, regarding the submission of a request to review the 3-Valley Gap RFP-23887 tender process. You will find our discussion of this in the email content below, as well as the attached 'Vendor Complaint Form' found via the BCBid and the Ministry of Transportation website concerning the complaint process.

After reviewing the form late today, I noticed that the form at the bottom also lists the Procurement Contact indicated in the solicitation document. You were the primary contact person we believe for the 3VG RACS tender listed at the BCBid site information for the tender.

Thank you for your attention to this request. We would appreciate acknowledgement that it has been received.

Your sincerely, Phil Hein

*Phil Hein*

Principal/Manager/Avalanche Professional  
office.250.344.2122, cell.250.344.0981

***AvaTek Mountain Systems Inc :: Avalanche Control Technology & Mountain Safety Systems >>***

PO Box 990, / #1116 Horse Creek Road North,  
Golden, British Columbia, V0A 1H0, Canada

---

**From:** Phil Hein - AvaTek [<mailto:phil.hein@avateksystems.ca>]

**Sent:** August-31-16 3:51 PM

**To:** Jenny Pleice ([Jenny.Pleice@gov.bc.ca](mailto:Jenny.Pleice@gov.bc.ca)); Rachel Fox ([Rachel.Fox@gov.bc.ca](mailto:Rachel.Fox@gov.bc.ca)); Veena Sundher ([veena.sundher@gov.bc.ca](mailto:veena.sundher@gov.bc.ca))

**Cc:** 'Jim Bay - AvaTek' ([jim.bay@avateksystems.ca](mailto:jim.bay@avateksystems.ca)); 'vincent Hélarý' ([vincent.helary@tas.fr](mailto:vincent.helary@tas.fr)); 'Ernesto Bassetti'

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Thank you, Phil Hein

*Phil Hein*

Principal/Manager/Avalanche Professional  
office.250.344.2122, cell.250.344.0981

***AvaTek Mountain Systems Inc :: Avalanche Control Technology & Mountain Safety Systems***

**>>**

PO Box 990, / #1116 Horse Creek Road North,  
Golden, British Columbia, V0A 1H0, Canada

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**From:** Phil Hein - AvaTek [<mailto:phil.hein@avateksystems.ca>]

**Sent:** August-31-16 3:32 PM

**To:** Veena Sundher  
**Cc:** 'Jim Bay - AvaTek'; 'vincent H lary'; 'Ernesto Bassetti'  
**Subject:** Vendor Complaint Form - Request for Review of MoTI Tender RFP-23887

Attention: Veena Sundher  
Corporate Contract Officer  
Construction and Maintenance Branch  
Corporate Procurement Programs  
4C – 940 Blanshard Street  
PO Box 9850 Stn Prov Govt  
Victoria, BC  
V8W 9T5

RE: Tender RFP-23887, Ministry of Transportation and Infrastructure: 3-Valley Gap - RACS

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Thank you and we look forward to hearing from you further on our request, and on the receipt of this formal request form.

Yours Sincerely, Phil Hein

*Phil Hein*

Principal/Manager/Avalanche Professional  
office.250.344.2122, cell.250.344.0981

**AvaTek Mountain Systems Inc :: Avalanche Control Technology & Mountain Safety Systems**

>>

PO Box 990, / #1116 Horse Creek Road North,  
Golden, British Columbia, V0A 1H0, Canada

**From:** [Willow, Vicki TRAN:EX](#)  
**To:** [Pleice, Jenny L TRAN:EX](#)  
**Subject:** FW: 23887DB0001 Request for Approval to Award  
**Date:** Wednesday, September 7, 2016 10:55:58 AM  
**Attachments:** [Fairness Report - Revelstoke West Remote Avalanche Control Systems.pdf](#)  
[DLSC Due Diligence Summary.pdf](#)

---

**From:** DL Shaw Consulting [<mailto:don.shaw@shaw.ca>]

**Sent:** Tuesday, August 2, 2016 2:48 PM

**To:** Sundher, Veena TRAN:EX

**Cc:** Willow, Vicki TRAN:EX; Drummond, Reid

**Subject:** RE: 23887DB0001 Request for Approval to Award

As further back-up, attached please find Due Diligence report from me and Fairness Advisor report from Owen Pawson, LLB.

Mike Lorimer has the Fairness Report, but has not yet seen mine (presuming it would be part of the back-up to the award approval package).

**D.L. (Don) Shaw, PEng**

[Don.Shaw@shaw.ca](mailto:Don.Shaw@shaw.ca)

Cell: 250-371-7161



#7 -1795 Summit Dr.

Kamloops, BC V2E 2E8

---

**From:** DL Shaw Consulting [<mailto:don.shaw@shaw.ca>]

**Sent:** July 28, 2016 10:42 AM

**To:** 'veena.sundher@gov.bc.ca' <[veena.sundher@gov.bc.ca](mailto:veena.sundher@gov.bc.ca)>

**Cc:** 'Willow, Vicki TRAN:EX' <[Vicki.Willow@gov.bc.ca](mailto:Vicki.Willow@gov.bc.ca)>; Drummond, Reid <[Reid.Drummond@stantec.com](mailto:Reid.Drummond@stantec.com)>

**Subject:** 23887DB0001 Request for Approval to Award

Attached for your review is a draft of a one-off "Request for Approval to Award" for the Revelstoke West Remote Avalanche Control Systems RFP/Contract, with attachments. I have also included a copy of the Schedule 7 from the Preferred Proponent.

I hope it has provided all the essential information.

I have drafted it as coming from the Project Manager, Reid Drummond, to Mike Lorimer as EA, but perhaps that should be to SIR Contracts for them to forward? (Its also on MoTI letterhead, but if it does come from Reid it will be put on a Stantec document)

Thanks for your help Veena.

**D.L. (Don) Shaw, PEng**

[Don.Shaw@shaw.ca](mailto:Don.Shaw@shaw.ca)

Cell: 250-371-7161



#7 -1795 Summit Dr.

Kamloops, BC V2E 2E8

**From:** [Willow, Vicki TRAN:EX](#)  
**To:** [Pleice, Jenny L TRAN:EX](#)  
**Subject:** FW: Information for Avaterra response  
**Date:** Thursday, September 8, 2016 3:51:12 PM  
**Attachments:** [image001.png](#)  
[3VG Exec Report Aug 2 2016.docx](#)  
[DLSC Due Diligence Summary.pdf](#)

---

FYI

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**From:** Andersen, Robb B TRAN:EX  
**Sent:** Wednesday, September 7, 2016 2:18 PM  
**To:** Willow, Vicki TRAN:EX  
**Subject:** Information for Avaterra response

Good Afternoon Vicki,

In regards to the question about regulatory requirements from AvaTek Mountain System re: RFP 23887 RAC DB.

The successful proponent did meet all of the regulatory requirements specified in the RPF special provisions (SP 4.01 regulatory standards).

I have also attached my executive summary and Don Shaw due diligence report. I hope that will suffice in demonstrating that all of the administrative and technical requirements were met.

Let me know if you need anything further.

Thanks

Robb Andersen

Senior Manager, Avalanche and Weather Programs

Ministry of Transportation & Infrastructure

Construction and Maintenance Branch

Nelson, BC

250 551 5182 cell

250 354 6425 office



Where ideas work



Where ideas work

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2017

10

Best  
Places  
to Work

# MINISTRY OF TRANSPORTATION AND INFRASTRUCTURE

## HWY 1 - REVELSTOKE WEST REMOTE AVALANCHE CONTROL SYSTEMS

**RFP Number: 23887 RACS DB  
Project Number MOT6195**

### ***FAIRNESS ADVISOR REPORT***

**July 25, 2016**

---

**TO: Mr. Mike Lorimer, Regional Director, Southern Interior Region**

This report covers the following:

1. Background
2. Scope of Fairness Review;
3. Purpose of Fairness Review;
4. Framework for Fairness Review;
5. Monitoring Activities of Fairness Advisor;
6. Qualifications on Endorsement of Evaluation Process;
7. Findings; and
8. Fulfillment of Review Terms.

## **BACKGROUND**

The BC Ministry of Transportation and Infrastructure (“Ministry”) issued a Request for Proposals (“RFP”) issued May 31, 2016 seeking proposals for the location investigation, design, construction and commissioning of electronically-initiated remote avalanche control systems that will enhance the control measures for eight avalanche paths adjacent to the Trans-Canada Highway #1 near Revelstoke, B.C (the “Project”). The Trans-Canada Highway is essential for the movement of people and goods in British Columbia and is subject to snow avalanches as the highway passes through the Monashee Mountains. Currently, the Ministry mitigates the avalanche hazard through explosives. The eight avalanche paths identified by the Ministry are on north-facing slopes in the Revelstoke area. The Ministry, through the RFP, wishes to select a contractor who will establish remote avalanche control systems that will assist in avalanche mitigation and minimize risks to highway users and operators.

The RFP had a stated Closing Time of July 5, 2016 which was subsequently changed through addendum to July 12, 2016. The RFP described the requirements to be met by the successful proponent if awarded the contract including site investigation, design, construction, commissioning and training of Ministry staff. The RFP also described the evaluation process for both financial and technical proposals. The latter included both mandatory (pass/fail) and desirable (rated) criteria.

## **SCOPE OF FAIRNESS REVIEW**

Owen Pawson was retained by the Ministry on June 10, 2016, subsequent to the issuance of the RFP, to provide Fairness Advisor services for the procurement process as it was described in the RFP. This report describes the fairness aspects of the procurement process through to the final selection of a Preferred Proponent including the evaluation of proposals by the Evaluation Committee.

The Fairness Advisor, among other matters:

- acts as an independent observer with respect to the fairness of the procurement process;
- provides advice on matters of fairness; and
- provides a formal written report.

The activities of a Fairness Advisor are self-determined and include:

- review of procurement documentation;
- observation and monitoring of communications with the proponents to ensure they are undertaken in accordance with the established evaluation process;
- observation and monitoring of any bilateral discussions and meetings;
- observation and monitoring of the evaluation process; and
- observation and monitoring of relevant (as determined by the Fairness Advisor) meetings to evaluate submissions and apply evaluation criteria, weighting and rating.



The Fairness Advisor is to be:

- provided full access to all information related to the competitive selection process as the Fairness Advisor decides is required, including documentation, personnel, premises, meetings, reports and minutes;
- permitted full access to any and all meetings, telephone conferences or other events as, in the discretion of the Fairness Advisor, are appropriate; and
- kept fully informed of all documents and activities associated with the procurement process.

### **PURPOSE OF FAIRNESS REVIEW**

Fairness Advisors are often used in large or complex public sector procurement where a standard tendering process (low price award) is not utilized. The role of Fairness Advisor is to provide independent oversight of the procurement process to ensure that the process is open, fair and equitable. A Fairness Advisor may also provide advice on issues which arise during the process that could adversely impact the overall fairness of the process. A Fairness Advisor does not validate the selection of the successful proponent but provides oversight and assurances regarding the evaluation process and other procurement procedures applied in making the selection. As Fairness Advisor, I may meet these responsibilities through undertaking steps that I determine are most appropriate to meet my mandate.

With respect to the evaluation process for the procurement for the project, as Fairness Advisor, my role is to satisfy myself, as an independent observer, that the procedural fairness of the procurement has been maintained by monitoring the process established by the RFP through to the selection of the Preferred Proponent.

### **FRAMEWORK FOR FAIRNESS REVIEW**

During the procurement process, I undertook selected monitoring and review activities in order to meet the terms of my retainer. These included:

- (a) ascertaining that requirements are in place for confidential handling of documents;
- (b) reviewing procedures, including questions to proponents, of the Evaluation Committee for clarification of proposals;
- (c) reviewing correspondence between the Ministry and the proponents;
- (d) confirming that each proponent was provided with access to the same information as other proponents for the purposes of responding;
- (e) confirming that evaluation criteria were established in advance of evaluations being undertaken;
- (f) ensuring that adequate measures were in place for avoiding conflict of interest and unfair advantage (bias) and that these measures were maintained during the procurement process;
- (g) reviewing the evaluation criteria to ensure they were reasonably and rationally connected to procurement objectives;

- (h) reviewing procedures to ensure appropriate records were kept of contact with proponents; and
- (i) attending meetings of the Evaluation Committee for the review and evaluation of proposals.

My review for this Fairness Report was conducted within the framework as described above.

## **ACTIVITIES OF FAIRNESS ADVISOR**

### ***Procurement Process***

Pursuant to the RFP, as amended by addenda, all proponents submitting proposals agreed to certain confidentiality provisions in order to participate in the selection process and submit a proposal. In my opinion, this was a reasonable and fair requirement.

An Evaluation Committee was established in advance of the Closing Time and was responsible for the evaluation and scoring of Proposals based on a detailed review of those Proposals. Each member of the Evaluation Committee executed a "Relationship Disclosure Declaration and Undertaking" before being granted access to any evaluation details or the Proposals received in response to the RFP. There were no conflicts identified that precluded any member of the Evaluation Committee from participating in the evaluation of the Proposals.

Five addenda were issued by the Ministry prior to Closing Time. The original Closing Time of July 5<sup>th</sup> was amended to July 12, 2016 by Addendum #4. After Closing Time, each submission was evaluated against specific mandatory administrative criteria that were clearly identified in the RFP. These mandatory criteria included among others: submission by the Closing Time in accordance with specific submission methods; submission of a financial proposal that was separate from the technical proposal; and, submission of either the cover page of the RFP or other confirmation signed by an authorized representative stating that the proponent would be bound by the terms of the RFP and, if awarded the contract, enter into a contract in substantially the form provided in the RFP.

The Ministry received three submissions at Closing Time. One of the submissions did not contain the mandatory signature by an authorized representative of the Proponent confirming that the Proponent will be bound by the RFP Process Rules in Section 2 of the RFP. Further, that submission did not contain the cover page with confirmation that the Proponent would be bound by its statements in its Proposal or an agreement that it would enter into a contract with the Ministry if it was successful. That submission was rejected in accordance with the RFP as failing to meet the mandatory administrative criteria and did not proceed further in the procurement process. In my opinion, that rejection was fair and proper and in full compliance with the RFP.

Provided it passed the mandatory administrative criteria identified in the RFP, a Proposal would be evaluated by the Evaluation Committee against specific mandatory technical criteria on a pass/fail basis. If a Proposal was determined to be compliant with all of those mandatory technical criteria it would then be evaluated against the specific desirable technical criteria identified in the RFP. The weighting and full description of each of those desirable technical criteria were clearly identified in the RFP. The RFP stated that weighting of the desirable technical criteria would be worth 40% and that price would be worth 60% in order to calculate the final scoring of the Proposals.

Only after the Proposals had been evaluated against both mandatory and desirable technical criteria were the Financial Proposals opened. This ensured that there would be no "price bias" during the evaluation of the technical Proposals. The RFP required separate Financial Proposals that would include a schedule of unit prices. The Financial Proposals were to be evaluated through application of a specified formula.

The RFP enabled the Evaluation Committee, in its discretion, to conduct reference checks on each of the Proponents. Such reference checks were stated to include checks internal to the Ministry concerning current and past performance of contracts by a Proponent.

I attended a start-up meeting for the six-person Evaluation Committee on June 22, 2016 in which the principles behind a successful evaluation process were described. These concepts included a discussion of fairness, bias, competitiveness, confidentiality as well as the importance of adhering to the evaluation criteria described in the RFP. All members of the Evaluation Committee were apprised of the appointment of a Fairness Advisor and that I would be available to address any fairness issues arising out of the evaluation of Proposals and the evaluation process generally.

### *The Evaluation Committee Deliberations*

The members of the Evaluation Committee individually reviewed and rated the two compliant Proposals based on the evaluation criteria specified in the RFP and based on their own expertise over a 12 day period prior to the meetings of all members of the Evaluation Committee on July 20 and 21, 2016 in Revelstoke.

The individual scoring by the members formed the basis for discussion by the Evaluation Committee during the consensus meetings. During the two days of meeting, all members were fully involved in discussing both of the Proposals in detail based on each of the stated technical evaluation criteria. The Evaluation Committee reached consensus on the scoring for the two Proposals based on the 10 desirable technical criteria described in the RFP.

The price information contained in the Financial Proposals was not considered until after completion of the consensus scoring of the technical submissions. Those Financial Proposals were then opened and the formula identified in the RFP applied to determine the pricing score. That financial evaluation score was then added to the technical evaluation score to arrive at the final combined total points for each Proposal. The proponent whose Proposal scored the highest total combined points was determined to be the Preferred Proponent in accordance with the evaluation process outlined in the RFP.

I attended the consensus meetings of the Evaluation Committee and observed that all members came to the meeting well prepared to discuss each of the Proposals based on the evaluation criteria described in the RFP. I also observed that the discussions and final consensus determinations and score were based on the evaluation criteria stated in the RFP. The Evaluation Committee had lengthy discussions about the merits of each Proposal based on the submissions and the answers provided by the Proponents to clarification questions. During the course of the evaluation and consensus meetings, my advice was occasionally sought by the Evaluation Committee and I occasionally offered comments for consideration by the Evaluation Committee. I was satisfied with the manner in which the issues were addressed by the Evaluation Committee.

It is my opinion that each Proposal was fully and fairly discussed and considered and that the Evaluation Committee applied the pre-determined scoring methodology to the Proposals based

on the terms of the RFP. Based on my observations, the process followed by the Evaluation Committee was in accordance with the terms of the RFP and was fair and unbiased.

### **QUALIFICATIONS ON ENDORSEMENT OF EVALUATION PROCESS**

My fairness review has been based on my observations and monitoring of selected documentation and records; discussions with the Evaluation Committee; attendance at consensus meetings during the evaluation of Proposals by the Evaluation Committee; questions and answers posed by or to me and observations of those meetings. I have reviewed documentation related to the evaluation process and the RFP, but have not reviewed all documents created by every member of the Evaluation Committee.

### **FINDINGS**

It is my opinion that the evaluation process associated with the Revelstoke West Remote Avalanche Control Systems procurement has been conducted in a fair manner in accordance with the procedures established in the RFP.

I am satisfied that:

- the members of the Evaluation Committee followed the procedures described in the RFP and fairly applied the evaluation criteria specified in the RFP; and
- where judgment and interpretation were allowed or required, the Evaluation Committee exercised reasonable judgment and made interpretations in a fair and impartial manner.

I am satisfied that I have been provided with the appropriate access and information to render this fairness review opinion.

### **FULFILLMENT OF REVIEW TERMS**

I confirm that I have fulfilled the terms of my engagement based on the activities described above.

Respectfully submitted,



Owen D. Pawson, Fairness Advisor

**Dated this 25<sup>th</sup> day of July, 2016**

August 2, 2016

File: **RFP 23887 RACS DB**

Attn: **Mike Lorimer**  
Regional Director  
Southern Interior Region  
Ministry of Transportation and Infrastructure

Re: **RFP 23887 RACS DB**  
**Hwy 1 - Revelstoke West Remote Avalanche Control Systems, Design Build**  
**Evaluation Due Diligence Summary**

I have been appointed by the Ministry as the Due Diligence Advisor for the above Project, to ensure that the Project Team and Evaluation Team (as listed below) comply with the terms of the procurement and evaluation as laid out in the Request for Proposals issued May 31, 2016, as amended.

After observing the process, I conclude that the procurement was appropriately done and that the Evaluation Team members at all times complied with the evaluation criteria and procedures laid out in the RFP, conducted the evaluation in an open, fair and unbiased manner, and that the Evaluation recommendation can be considered to be well supported.

Additional information and details is provided below.

**Project Teams:**

Administration and Oversight:

Reid Drummond, Stantec, Project Manager  
Don Shaw, PEng, DL Shaw Consulting Inc, Procurement Advisor and Due Diligence Monitor.  
Owen Pawson, LLB, Fairness Advisor  
Jack Bennetto, MoTI District Transportation Manager, District Representative

Evaluation Team:

Robb Andersen, MoTI, Manager, Avalanche & Weather Programs  
Val Visotzky, MoTI, Sr. Avalanche Technician  
John Buffery, Avalanche Technician  
Bruce Allen, Avalanche Technician  
Dave Tracz, EIT, MoTI, Engineer in Training and Owner's Engineer  
Barry Bergstrom, TetraTech, Ministry Representative

**Procurement Summary:**

The RFP was posted to BC Bid on May 31, 2016 and amended by five Addenda prior to Closing on July 12, 2016.

Three submissions were received:

1. Progressive Ventures Construction Ltd. ["PVC"] submission received via e-mail

2. BAT Construction Ltd. ["BAT"] submission received via e-mail.
3. Wyssen Avalanche Control Inc ["Wyssen"], received in hard-copy

The Wyssen and BAT proposals were compliant with the Mandatory Administrative Criteria, but the PVC submission failed to provide the required "intent to be bound" and was not further evaluated.

A list of the named firms and individuals in the two compliant proposals was compiled and distributed to the entire Project Team, the resulting Relationship Disclosure submissions were reviewed, and all parties were cleared of any potential conflict of interest.

The two compliant Proposals were then posted to the secure project SharePoint and the Project Team notified at on July 13<sup>th</sup> that the evaluations could commence.

#### **Evaluation Summary:**

An introduction to the evaluation process was held in Revelstoke on May 25, 2016, with all Team Members present (except Owen Pawson who had not yet been retained), discussions included bias, confidentiality, conflict of interest, evaluation scoring matrix.

Upon being granted access to the proposals, the evaluators commenced with individual evaluations between July 13 and July 20<sup>th</sup>.

On July 15, a teleconference was held with the entire Project Team (except Jack Bennetto) to discuss any issues that the evaluators had encountered so far, as well as to elicit any clarification questions that would be asked of the Proponents.

Clarifications questions were asked of both Proponents on July 18<sup>th</sup>, for response by July 20<sup>th</sup>.

The face-to-face consensus evaluation commenced on July 20<sup>th</sup> in the Revelstoke MoTI District Office.

Clarification responses were received from each Proponent on time and were distributed to the evaluation team that day.

The evaluation proceeded, initially assessing and completing the Wyssen proposal before starting on the BAT proposal.

There was open and sometime spirited discussion amongst all evaluators, with each member presenting the strengths and weakness they observed, and their initial assessment of their score for the topic. After further discussion, the group came to a consensus score for that topic before moving on to the next topic.

After discussion on how to be consistent and fair to both Proponents, the Evaluation Team decided to apply the financial evaluation formula to the Operating Consumables criteria 7 j), which calculation I did on their behalf.

At that time, I noticed that the formula contained an error. I discussed that error and the need for correction prior any financial evaluation with Fairness Advisor Owen Pawson, Vicki Willow (MoTI Senior Manager, Corporate Procurement and Risk Management), and legal counsel Ian Wiebe (JAG), who all agreed the corrected formula should be used and the Proponents so notified. The Proponents were notified late that evening. The Evaluation Team was not informed of that change until the next day, when it came time to perform the Proposal Price financial evaluations.

The Technical Evaluation was substantially completed by about noon on July 21<sup>st</sup> and the scores finalized.

That afternoon, Reid Drummond and Jack Bennetto were invited in and Robb Anderson, with the support of the Evaluation Team, made a summary presentation of the results for their review and acceptance. After about an hour of review and questions, Reid and Jack agreed that the results were fairly and appropriately determined.

BAT was then asked for the password to their Financial Proposal file, which was provided and the file opened, along with the hardcopy Financial Proposal received from Wyssen.

I reviewed the information contained in the Financial Proposals for compliance with the RFP, confirmed by Reid Drummond, and for correctness of the arithmetic and determined that both Proposals were compliant.

The Proposal Prices were then announced to the Project Team and the corrected pricing formula applied to determine the points-for-price. The Proposal Prices were so far apart that the price evaluation became the overwhelming determining factor in identifying the highest scoring proposal.

The result was that Wyssen Avalanche Control Inc was substantially ahead of BAT Construction Ltd in the scoring, and was confirmed by the Evaluation Team as their nominated Preferred Proponent.

It is worth noting that, if the formula as published had been used, the two proposals would have still ranked in the same order, but with an even larger difference in score.

**Summary:**

I conclude that the Evaluation Team members at all times complied with the evaluation criteria and procedures laid out in the RFP, conducted the evaluation in an open, fair and unbiased manner, and that the Evaluation recommendation can be considered to be well supported.

Yours truly,



Don Shaw, P.Eng.  
Procurement and Due Diligence Advisor  
DL Shaw Consulting Inc.  
Don.Shaw@shaw.ca

attachment(s):

- Sample notification to Propoents re financial proce formula amendment

copy: Reid Drummond, Project Manager, Stantec

## DL Shaw Consulting

---

**From:** Darren Wiebe <Darren@batconstruction.com>  
**Sent:** July 20, 2016 10:35 PM  
**To:** Don Shaw  
**Cc:** reid.drummond@stantec.com; sircontracts@gov.bc.ca  
**Subject:** RE: RFP 23887 RACS DB - Price Evaluation formula correction

Understood and thanks for the update & formula alteration information.

---

**From:** Don Shaw [mailto:don.shaw@shaw.ca]  
**Sent:** July 20, 2016 10:31 PM  
**To:** Darren Wiebe <Darren@batconstruction.com>  
**Cc:** reid.drummond@stantec.com; sircontracts@gov.bc.ca  
**Subject:** RFP 23887 RACS DB - Price Evaluation formula correction

For your information, a minor alteration is required to the Price Evaluation formula specified in Section 7.4 of the RFP:

*Points for the financial-based criterion will be earned as follows:*

$$\text{Points earned} = \text{Points Available} \times \left[ 1 - \frac{(\text{This Proponent's Price} - \text{Lowest Proposal Price})}{\text{Lowest Proposal Price}} \right]$$

The denominator "Lowest Proponents Price" should be "This Proponents Price".

The correct formula, which we will use in the evaluation, is:

$$\text{Points earned} = \text{Points Available} \times \left[ 1 - \frac{(\text{This Proponent's Price} - \text{Lowest Proposal Price})}{\text{This Proponent's Price}} \right]$$

We have not yet completed the technical evaluation, so you can be confident that your Financial Proposal has not been opened.

We hope to complete the technical evaluation tomorrow afternoon, and, if you have submitted by e-mail, we will be contacting you then for the passwords to open those files.

**D.L. (Don) Shaw, PEng**  
"Contact Person"  
RFP 23887 RACS DB  
[Don.Shaw@shaw.ca](mailto:Don.Shaw@shaw.ca)



**From:** [Pleice, Jenny L TRAN:EX](#)  
**To:** ["Phil Hein - AvaTek"](#)  
**Cc:** [Sundher, Veena TRAN:EX](#)  
**Subject:** MOT-17-001 - RE: Vendor Complaint Form - Request for Review of MoTI Tender RFP-23887  
**Date:** Tuesday, September 27, 2016 9:07:00 AM

---

VCRP File Ref: MOT-17-001

Mr. Hein:

This is a response to your email of August 31<sup>st</sup>, 2016 and the attached Vendor Complaint Form in regards to Request for Proposal 23887 RACS DB, Hwy #1 – Revelstoke West Avalanche Control Systems Design Build (the RFP).

The Ministry notes that although Avatek Mountain Systems Inc. (Avatek) may have been a supplier to participating proponents, your company was not a proponent submitting a response to this RFP. It is also noted that the Vendor Complaint Form as submitted does not identify a specific complaint or outline an objection to the process. However, the Ministry does acknowledge that as a supplier to a potential successful proponent, Avatek may have had a business interest in the overall procurement process for this project.

In light of this, after a full review of the procurement process the Ministry can confirm that all processes, procedures, and legal requirements required for a fair, open and transparent process were applied and followed throughout the entire procurement process. Furthermore, the project team utilized independent parties to serve as fairness and due diligence advisors, as well as consulted with legal representation and the ministry procurement department throughout the entire procurement process to ensure full due diligence was applied.

I trust that this addresses your request as set out on your submitted Vendor Complaint Form.

*Jenny Pleice*

**Manager Corporate Contracting**

*Corporate Procurement and Risk Management*

*Ministry of Transportation and Infrastructure*

*PH: (250) 387-7865 FAX: (250) 356-9724*

*[Jenny.Pleice@gov.bc.ca](mailto:Jenny.Pleice@gov.bc.ca)*

PLEASE NOTE: For Risk Management/Insurance and Bonds inquiries please email [InsuranceandBonds@gov.bc.ca](mailto:InsuranceandBonds@gov.bc.ca) directly.

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---

**From:** Pleice, Jenny L TRAN:EX

**Sent:** Thursday, September 1, 2016 9:12 AM

**To:** 'Phil Hein - AvaTek'; Fox, Rachel TRAN:EX; Sundher, Veena TRAN:EX

**Cc:** 'Jim Bay - AvaTek'; 'vincent Héлары'; 'Ernesto Bassetti'; Willow, Vicki TRAN:EX

**Subject:** RE: Vendor Complaint Form - Request for Review of MoTI Tender RFP-23887

Mr. Hein,

This is to acknowledge receipt of your email of August 31, 2016 re: Vendor Complaint Form - Request for Review of MoTI Tender RFP-23887.

We will review your Vendor Complaint Form and respond.

Thank you.

*Jenny Pleice*

**Manager Corporate Contracting**

*Corporate Procurement and Risk Management*

Ministry of Transportation and Infrastructure  
PH: (250) 387-7865 FAX: (250) 356-9724  
[Jenny.Pleice@gov.bc.ca](mailto:Jenny.Pleice@gov.bc.ca)

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---

**From:** Phil Hein - AvaTek [<mailto:phil.hein@avateksystems.ca>]  
**Sent:** Wednesday, August 31, 2016 2:51 PM  
**To:** Pleice, Jenny L TRAN:EX; Fox, Rachel TRAN:EX; Sundher, Veena TRAN:EX  
**Cc:** 'Jim Bay - AvaTek'; 'vincent Hélyary'; 'Ernesto Bassetti'  
**Subject:** FW: Vendor Complaint Form - Request for Review of MoTI Tender RFP-23887

Dear Ms. Jenny Pleice and/or Rachel Fox,

Please see the email forwarded below, and the attached 'Vendor Complaint Form', and request for review. This was forwarded to the address provided at the Ministry website regarding the vendor complaint review process. Since Ms. Sundher is currently out of the office until s.22, she has provided alternate contacts as Jenny Pleice and Rachel Fox as per the attached 'automatic-reply'. Thank you for your attention to this matter. Could one of you please acknowledge receipt of this letter and of the submitted form attached.

Thank you, Phil Hein

*Phil Hein*

Principal/Manager/Avalanche Professional  
office.250.344.2122, cell.250.344.0981

***AvaTek Mountain Systems Inc :: Avalanche Control Technology & Mountain Safety Systems >>***

PO Box 990, / #1116 Horse Creek Road North,  
Golden, British Columbia, V0A 1H0, Canada

---

**From:** Phil Hein - AvaTek [<mailto:phil.hein@avateksystems.ca>]  
**Sent:** August-31-16 3:32 PM  
**To:** Veena Sundher  
**Cc:** 'Jim Bay - AvaTek'; 'vincent Hélyary'; 'Ernesto Bassetti'  
**Subject:** Vendor Complaint Form - Request for Review of MoTI Tender RFP-23887

Attention: Veena Sundher

Corporate Contract Officer  
Construction and Maintenance Branch  
Corporate Procurement Programs  
4C – 940 Blanshard Street  
PO Box 9850 Stn Prov Govt  
Victoria, BC  
V8W 9T5

RE: Tender RFP-23887, Ministry of Transportation and Infrastructure: 3-Valley Gap - RACS

Dear Ms. Sundher,

Please find attached and signed the 'Vendor Complaint Form' that is located at the Ministry website. AvaTek Mountain Systems Inc (AvaTek), and TAS (Technologie Alpine de Securite) are suppliers of Remote Avalanche Control Systems (RACS) in Canada. AvaTek is the distributor of TAS Equipment in Canada and is based in British Columbia. TAS is the Manufacturer of the RACS equipment in France. Our 'TAS-O'BellX' remote avalanche control system (RACS) equipment was chosen by two prime

contractor groups who submitted tendered bids on RFP-23887 in late June and early July 2016. As the suppliers of the proposed equipment, we are not direct bidders to the tender process, but are involved as the equipment suppliers to the construction and installation contractors. We would like to request a formal review of the procurement process of this tender as of the closing date July 12<sup>th</sup>, 2016, and of the process leading to the award of the tender on August 3rd, 2016.

Thank you and we look forward to hearing from you further on our request, and on the receipt of this formal request form.

Yours Sincerely, Phil Hein

*Phil Hein*

Principal/Manager/Avalanche Professional  
office.250.344.2122, cell.250.344.0981

**AvaTek Mountain Systems Inc :: Avalanche Control Technology & Mountain**

**Safety Systems >>**

PO Box 990, / #1116 Horse Creek Road North,  
Golden, British Columbia, V0A 1H0, Canada

**From:** [Willow, Vicki TRAN:EX](#)  
**To:** [Lorimer, Mike TRAN:EX](#); [Andersen, Robb B TRAN:EX](#); [Shaw, Don L TRAN:EX](#); [Wiebe, Ian JAG:EX](#)  
**Cc:** [Pleice, Jenny L TRAN:EX](#)  
**Subject:** FW: MOT-17-001 - RE: Vendor Complaint Form - Request for Review of MoTI Tender RFP-23887  
**Date:** Tuesday, September 27, 2016 9:18:31 AM

---

FYI. Response back to AvaTek on the submitted vendor complaint.

---

**From:** Pleice, Jenny L TRAN:EX  
**Sent:** Tuesday, September 27, 2016 9:07 AM  
**To:** 'Phil Hein - AvaTek'  
**Cc:** Sundher, Veena TRAN:EX  
**Subject:** MOT-17-001 - RE: Vendor Complaint Form - Request for Review of MoTI Tender RFP-23887  
VCRP File Ref: MOT-17-001

Mr. Hein:

This is a response to your email of August 31<sup>st</sup>, 2016 and the attached Vendor Complaint Form in regards to Request for Proposal 23887 RACS DB, Hwy #1 – Revelstoke West Avalanche Control Systems Design Build (the RFP).

The Ministry notes that although Avatek Mountain Systems Inc. (Avatek) may have been a supplier to participating proponents, your company was not a proponent submitting a response to this RFP. It is also noted that the Vendor Complaint Form as submitted does not identify a specific complaint or outline an objection to the process. However, the Ministry does acknowledge that as a supplier to a potential successful proponent, Avatek may have had a business interest in the overall procurement process for this project.

In light of this, after a full review of the procurement process the Ministry can confirm that all processes, procedures, and legal requirements required for a fair, open and transparent process were applied and followed throughout the entire procurement process. Furthermore, the project team utilized independent parties to serve as fairness and due diligence advisors, as well as consulted with legal representation and the ministry procurement department throughout the entire procurement process to ensure full due diligence was applied.

I trust that this addresses your request as set out on your submitted Vendor Complaint Form.

*Jenny Pleice*

**Manager Corporate Contracting**

*Corporate Procurement and Risk Management*

*Ministry of Transportation and Infrastructure*

*PH: (250) 387-7865 FAX: (250) 356-9724*

*[Jenny.Pleice@gov.bc.ca](mailto:Jenny.Pleice@gov.bc.ca)*

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**Sent:** Thursday, September 1, 2016 9:12 AM  
**To:** 'Phil Hein - AvaTek'; Fox, Rachel TRAN:EX; Sundher, Veena TRAN:EX  
**Cc:** 'Jim Bay - AvaTek'; 'vincent Hélarý'; 'Ernesto Bassetti'; Willow, Vicki TRAN:EX  
**Subject:** RE: Vendor Complaint Form - Request for Review of MoTI Tender RFP-23887

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We will review your Vendor Complaint Form and respond.  
Thank you.

*Jenny Pleice*

**Manager Corporate Contracting**

*Corporate Procurement and Risk Management  
Ministry of Transportation and Infrastructure  
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[Jenny.Pleice@gov.bc.ca](mailto:Jenny.Pleice@gov.bc.ca)*

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**To:** Pleice, Jenny L TRAN:EX; Fox, Rachel TRAN:EX; Sundher, Veena TRAN:EX  
**Cc:** 'Jim Bay - AvaTek'; 'vincent Héлары'; 'Ernesto Bassetti'  
**Subject:** FW: Vendor Complaint Form - Request for Review of MoTI Tender RFP-23887

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Thank you, Phil Hein

*Phil Hein*

Principal/Manager/Avalanche Professional  
office.250.344.2122, cell.250.344.0981

***AvaTek Mountain Systems Inc :: Avalanche Control Technology & Mountain Safety Systems >>***

PO Box 990, / #1116 Horse Creek Road North,  
Golden, British Columbia, V0A 1H0, Canada

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**From:** Phil Hein - AvaTek [<mailto:phil.hein@avateksystems.ca>]  
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**Cc:** 'Jim Bay - AvaTek'; 'vincent Héлары'; 'Ernesto Bassetti'  
**Subject:** Vendor Complaint Form - Request for Review of MoTI Tender RFP-23887

Attention: Veena Sundher

Corporate Contract Officer

Construction and Maintenance Branch

Corporate Procurement Programs

4C – 940 Blanshard Street

PO Box 9850 Stn Prov Govt

Victoria, BC

V8W 9T5

RE: Tender RFP-23887, Ministry of Transportation and Infrastructure: 3-Valley Gap - RACS

Dear Ms. Sundher,

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Yours Sincerely, Phil Hein

*Phil Hein*

Principal/Manager/Avalanche Professional  
office.250.344.2122, cell.250.344.0981

**AvaTek Mountain Systems Inc :: Avalanche Control Technology & Mountain Safety Systems >>**

PO Box 990, / #1116 Horse Creek Road North,  
Golden, British Columbia, V0A 1H0, Canada

**From:** [Pleice, Jenny L TRAN:EX](#)  
**To:** [Willow, Vicki TRAN:EX](#)  
**Subject:** Re: MOT-17-001 - RE: Vendor Complaint Form - Request for Review of MoTI Tender RFP-23887  
**Date:** Wednesday, October 12, 2016 4:52:58 PM

---

Nothing.

**Jenny Pleice**

**Manager Corporate Contracting**

Corporate Procurement and Risk Management

Ministry of Transportation and Infrastructure

PH: (250) 387-7865 FAX: (250) 356-9724

[Jenny.Pleice@gov.bc.ca](mailto:Jenny.Pleice@gov.bc.ca)

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On Oct 12, 2016, at 4:26 PM, Willow, Vicki TRAN:EX <[Vicki.Willow@gov.bc.ca](mailto:Vicki.Willow@gov.bc.ca)> wrote:

Did we get a return email on this?

---

**From:** Willow, Vicki TRAN:EX  
**Sent:** Tuesday, September 27, 2016 9:18 AM  
**To:** Lorimer, Mike TRAN:EX; Andersen, Robb B TRAN:EX; Shaw, Don L TRAN:EX; Wiebe, Ian JAG:EX  
**Cc:** Pleice, Jenny L TRAN:EX  
**Subject:** FW: MOT-17-001 - RE: Vendor Complaint Form - Request for Review of MoTI Tender RFP-23887  
FYI. Response back to AvaTek on the submitted vendor complaint.

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**To:** 'Phil Hein - AvaTek'  
**Cc:** Sundher, Veena TRAN:EX  
**Subject:** MOT-17-001 - RE: Vendor Complaint Form - Request for Review of MoTI Tender RFP-23887  
VCRP File Ref: MOT-17-001

Mr. Hein:

This is a response to your email of August 31<sup>st</sup>, 2016 and the attached Vendor Complaint Form in regards to Request for Proposal 23887 RACS DB, Hwy #1 – Revelstoke West Avalanche Control Systems Design Build (the RFP).

The Ministry notes that although Avatek Mountain Systems Inc. (Avatek) may have been a supplier to participating proponents, your company was not a proponent submitting a response to this RFP. It is also noted that the Vendor Complaint Form as submitted does not identify a specific complaint or outline an objection to the process. However, the Ministry does acknowledge that as a supplier to a potential successful proponent, Avatek may have had a business interest in the overall procurement process for this project.

In light of this, after a full review of the procurement process the Ministry can confirm

that all processes, procedures, and legal requirements required for a fair, open and transparent process were applied and followed throughout the entire procurement process. Furthermore, the project team utilized independent parties to serve as fairness and due diligence advisors, as well as consulted with legal representation and the ministry procurement department throughout the entire procurement process to ensure full due diligence was applied.

I trust that this addresses your request as set out on your submitted Vendor Complaint Form.

## **Jenny Pleice**

### **Manager Corporate Contracting**

*Corporate Procurement and Risk Management*

*Ministry of Transportation and Infrastructure*

*PH: (250) 387-7865 FAX: (250) 356-9724*

*[Jenny.Pleice@gov.bc.ca](mailto:Jenny.Pleice@gov.bc.ca)*

PLEASE NOTE: For Risk Management/Insurance and Bonds inquiries please email [InsuranceandBonds@gov.bc.ca](mailto:InsuranceandBonds@gov.bc.ca) directly.

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**From:** Pleice, Jenny L TRAN:EX

**Sent:** Thursday, September 1, 2016 9:12 AM

**To:** 'Phil Hein - AvaTek'; Fox, Rachel TRAN:EX; Sundher, Veena TRAN:EX

**Cc:** 'Jim Bay - AvaTek'; 'vincent H elary'; 'Ernesto Bassetti'; Willow, Vicki TRAN:EX

**Subject:** RE: Vendor Complaint Form - Request for Review of MoTI Tender RFP-23887

Mr. Hein,

This is to acknowledge receipt of your email of August 31, 2016 re: Vendor Complaint Form - Request for Review of MoTI Tender RFP-23887.

We will review your Vendor Complaint Form and respond.

Thank you.

## **Jenny Pleice**

### **Manager Corporate Contracting**

*Corporate Procurement and Risk Management*

*Ministry of Transportation and Infrastructure*

*PH: (250) 387-7865 FAX: (250) 356-9724*

*[Jenny.Pleice@gov.bc.ca](mailto:Jenny.Pleice@gov.bc.ca)*

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**From:** Phil Hein - AvaTek [<mailto:phil.hein@avateksystems.ca>]

**Sent:** Wednesday, August 31, 2016 2:51 PM

**To:** Pleice, Jenny L TRAN:EX; Fox, Rachel TRAN:EX; Sundher, Veena TRAN:EX

**Cc:** 'Jim Bay - AvaTek'; 'vincent H elary'; 'Ernesto Bassetti'



**Subject:** FW: Vendor Complaint Form - Request for Review of MoTI Tender RFP-23887

Dear Ms. Jenny Pleice and/or Rachel Fox,

Please see the email forwarded below, and the attached 'Vendor Complaint Form', and request for review. This was forwarded to the address provided at the Ministry website regarding the vendor complaint review process. Since Ms. Sundher is currently out of the office until September 7<sup>th</sup>, she has provided alternate contacts as Jenny Pleice and Rachel Fox as per the attached 'automatic-reply'.

Thank you for your attention to this matter. Could one of you please acknowledge receipt of this letter and of the submitted form attached.

Thank you, Phil Hein

*Phil Hein*

Principal/Manager/Avalanche Professional  
office.250.344.2122, cell.250.344.0981

***AvaTek Mountain Systems Inc :: Avalanche Control Technology & Mountain Safety Systems >>***

PO Box 990, / #1116 Horse Creek Road North,  
Golden, British Columbia, V0A 1H0, Canada

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**From:** Phil Hein - AvaTek [<mailto:phil.hein@avateksystems.ca>]

**Sent:** August-31-16 3:32 PM

**To:** Veena Sundher

**Cc:** 'Jim Bay - AvaTek'; 'vincent Héлары'; 'Ernesto Bassetti'

**Subject:** Vendor Complaint Form - Request for Review of MoTI Tender RFP-23887

Attention: Veena Sundher

Corporate Contract Officer

Construction and Maintenance Branch

Corporate Procurement Programs

4C – 940 Blanshard Street

PO Box 9850 Stn Prov Govt

Victoria, BC

V8W 9T5

RE: Tender RFP-23887, Ministry of Transportation and Infrastructure: 3-Valley Gap - RACS

Dear Ms. Sundher,

Please find attached and signed the 'Vendor Complaint Form' that is located at the Ministry website.

AvaTek Mountain Systems Inc (AvaTek), and TAS (Technologie Alpine de Securite) are suppliers of Remote Avalanche Control Systems (RACS) in Canada. AvaTek is the distributor of TAS Equipment in Canada and is based in British Columbia. TAS is the Manufacturer of the RACS equipment in France.

Our 'TAS-O'BellX' remote avalanche control system (RACS) equipment was chosen by two prime contractor groups who submitted tendered bids on RFP-23887 in late June and early July 2016. As the suppliers of the proposed equipment, we are not direct bidders to the tender process, but are involved as the equipment suppliers to the construction and installation contractors. We would like to request a formal review of the procurement process of this tender as of the closing date July 12<sup>th</sup>, 2016, and of

the process leading to the award of the tender on August 3rd, 2016.

Thank you and we look forward to hearing from you further on our request, and on the receipt of this formal request form.

Yours Sincerely, Phil Hein

*Phil Hein*

Principal/Manager/Avalanche Professional  
office.250.344.2122, cell.250.344.0981

**AvaTek Mountain Systems Inc :: Avalanche Control Technology &  
Mountain Safety Systems >>**

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