

70.0 Reference: Report on CFT Process, Exhibit B-1, Background, Tab A

2.70.3 Appendix A, Sch. A, page 44: In the early stages of the process, the proposed INRV role provided for communication between bidders and the INRV in the workshops. Did such contact occur, and if not, why not?

2.70.3.1 If such contact was prohibited between bidders and INRV at any time, who issued the prohibition and what was the rationale?

2.70.3.2 Were bidders restricted from communicating with any other parties? Please provide a complete list of the parties to whom they were not permitted to communicate, with the rationale.

RESPONSE:

There was no direct contact between bidders and the Independent Reviewer, given the communication restrictions contained in section 18.20 of the CFT. As noted in the response to Question #3 on BC Hydro's VI CFT website, to have allowed bidders to communicate directly with the Independent Reviewer would have risked tainting the impartiality of the Independent Reviewer.

The intent of the bidder consultation contemplated in Schedule A was that the Independent Reviewer could receive bidder comments on the CFT process, particularly with regard to its fairness and impartiality. In fact, the Independent Reviewer had access to all bidder comments and submissions throughout the entire CFT process. Furthermore, BC Hydro reviewed and considered all bidder comments on a 'bidder blind' basis without attribution. The Independent Reviewer oversaw that review and had full access to all bidder comments through that process.

- 2.70.3.1 If such contact was prohibited between bidders and INRV at any time, who issued the prohibition and what was the rationale?

RESPONSE

As noted in the response to Question No. 3 posted on BC Hydro's VI CFT website, bidders were precluded from communicating with the Independent Reviewer in order to minimize the risk of tainting the Independent Reviewer's impartiality. This prohibition was requested by the Independent Reviewer shortly after being retained by BC Hydro. As further noted in the website response to Question No. 24, the Independent Reviewer had full access to all questions and comments submitted by bidders.

- 2.70.3.2 Were bidders restricted from communicating with any other parties? Please provide a complete list of the parties to whom they were not permitted to communicate, with the rationale.

RESPONSE

As outlined in section 18.20 of the CFT (Appendix B), each bidder "will not engage in lobbying, or otherwise communicating directly to, any other director, officer, employee or agent of BC Hydro, the Independent Reviewer, any consultant or advisor to BC Hydro and/or VIEC, or any member of the Government of British Columbia".

Anti-lobbying provisions are common in competitive tendering processes, particularly involving public sector entities. In order to maintain fairness and transparency, BC Hydro did not permit direct contact with parties who could influence the outcome of the CFT process.