

August 28, 2023

Susan Wilkins  
Executive Director, Renewable Energy  
Department of Industry, Energy and Technology, Government of Newfoundland and Labrador

Dear Susan:

**RE: Crown Land Call for Bids for Wind Energy Projects – Final Fairness Letter**

The Government of Newfoundland and Labrador's Department of Industry, Energy and Technology (IET) engaged OPTIMUS | SBR, as Fairness Advisor to act as an independent and impartial third party who will observe, monitor, provide oversight and report on the Crown Land Call for Bids for Wind Energy Projects ("Call for Bids"). Our mandate is to confirm that the Call for Bids process undertaken by IET demonstrated openness, fairness, transparency and impartiality throughout, from Call for Bids release to the conclusion of Stage II evaluation.

**Overview of Call for Bids Process**

On December 14<sup>th</sup>, 2022 the Call for Bids was posted on a public website established for the Call for Bids process. The purpose of the Crown Land Call for Bids for Wind Energy Projects is to select Respondent(s) who will be awarded the exclusive right to pursue their project in a selected area through the Crown land application process.

The Call for Bids closed on March 23<sup>rd</sup>, 2023 and received 24 submissions. Out of the submissions received, only 18 submissions moved onto Stage 1 evaluation, meaning they were on time and demonstrated that the proposed projects were within the Crown Land area made available in the Call for Bids. The evaluation of qualified submissions consisted of 2 Stages:

- Stage I – First Stage Review; and
- Stage II – Second Stage Review

Optimus SBR was engaged as Fairness Advisor March 24<sup>th</sup>, 2023 post close of the Call for Bids Process, prior to the commencement of the evaluation of bids.

**Stage I:**

As per Section 5.2 of the Call for Bids, the first stage review consisted of the Evaluation Committee (EC) members individually evaluating the seven (7) questions outlined for each qualified submission. The evaluation consisted of reviewing each submission to determine whether it met the minimum criteria expected of a Respondent to be able to deliver the project using a Pass/Fail approach. If a score of "Major Deficiencies" was recommended by the EC members for any of the seven questions within a submission, it would be deemed "fail" and not move forward to the second stage review.

EC members were instructed to individually review submissions, without input or bias introduced from other team members and provided their scoring sheets to the Administrative lead prior to start of the consensus meeting.

Clarifications and related responses were reviewed by the Fairness Advisor prior to their issue to ensure no new information was introduced into the process post submission close. Fairness was not engaged in IET's decision to issue a missing information request on June 14th and an alternative information request on 16th, and 17th 2023 to respondents identified as having missing financial information. On June 28th, in consultation with the Fairness Advisor, IET was consistent in providing all Respondents the opportunity to submit the additional/alternate financial information. This information request included an opportunity to provide the information within 24 hours of receiving the request which was a deviation from the Call for Bids document, Section 6.9, which stated 72 hours.

Responses and additional information received through these requests were accepted by IET and provided to the Fairness Advisor and EC members.

Through the Stage I evaluation, Pass/Fail criteria were consistently applied and evaluated with the process described in the Call for Bids. The Pass/Fail classification for each Respondent were based on consensus agreement by the EC members. At the conclusion of the First Stage Review, 9 of the 18 submissions were deemed a Pass, noting no Major Deficiencies.

### **Stage II:**

As per Section 5.3 of the Call for Bids, 40 questions were reviewed and individually evaluated by the EC members using the guidelines and evaluation criteria. The evaluation process and criteria described in the Call for Bids were applied consistently and equitably through the Stage II evaluations. As required, clarifications and related responses were reviewed by the Fairness Advisor prior to their issue.

EC members were instructed to individually review submissions, without input or bias introduced from other team members and provided their scoring sheets to the Administrative lead prior to start of the consensus meeting. The Fairness Advisor reviewed Technical Subject Matter Expert Reports developed by the Technical Advisor, Power Advisory, prior to their distribution to EC members.

The Stage II evaluation requirements and guidelines were consistently applied and evaluated with the process described in the Call for Bids. The evaluated scores for each Respondent were based on consensus agreement by the EC members. At the conclusion of the Second Stage Review the final scores and evaluation comments were provided to the IET Executives for final review and decision on next steps.

### **Observations and Findings:**

OPTIMUS|SBR hereby presents its final fairness attest report to IET at the conclusion of the Call for Bids Stage II in the process, describing how the process has complied with Call for Bids requirements. The following chart summarizes our involvement and findings:

Stage	Task	Fair (Yes / No)
<b>Call for Bids Open Period (review of documents post submission deadline)</b>		
1.	Crown Land Call for Bids documents were made available in an open and equitable manner to the Respondents through a public dedicated website	Yes
2.	Answers were made available to all Respondents for all questions that were submitted through the Call for Bids process	Yes
3.	IET confirmed that the requisite information would be made available regarding the results of the Call for Bids	Yes
4.	The time and place of the closing were clearly identified in the Call for Bids	Yes
<b>Post-Call for Bids Close</b>		
5.	The submissions were logged and recorded upon receipt, clearly confirming Respondent submissions were received on time	Yes
6.	The evaluation criteria and process were included in the Call for Bids	Yes
7.	The time and place of the closing were clearly identified in the Call for Bids documents	Yes
8.	The evaluation and scoring guideline were finalized prior to the start of evaluation activities	Yes
9.	Evaluators were trained on the evaluation tools	Yes
10.	Technical Subject Matter Expert Reports developed by the Technical Advisor, Power Advisory, were reviewed prior to being distributed to evaluators.	Yes
11.	All evaluation participants confirmed their adherence to the conflict of interest and confidentiality requirements prior to receiving submissions	Yes
12.	Evaluations were done in an unbiased manner and in accordance with the Call for Bids and IET evaluation protocols, evaluator notes and scores were submitted prior to the Stage I and II consensus meetings	Yes
13.	There was a protocol in place to ensure that document confidentiality was maintained	Yes

The Call for Bids process is established clearly in IET's Call for Bids documents. The evaluation process and criteria described in the documents were applied consistently and equitably. In the evaluation discussions the evaluators demonstrated that they had been diligent in their responsibilities, that they were able to support their individual evaluation assessments and that they held no bias for or against any Respondent. There were no unresolved issues at the conclusion of Stage II of the Call for Bids. Consensus was reached and confirmed by all evaluators. An official record was produced to document the evaluation and scoring consensus decisions, including the supporting rationale.

### **Conclusion**

As the Fairness Advisor for the Call for Bids, we certify that the principles of openness, fairness, consistency and transparency have been, in our opinion, properly addressed and maintained throughout the Call for Bids process and all Respondents treated consistently in the evaluation.

As Fairness Monitor, we attest that:

- a) the Call for Bids process was conducted in accordance with the provisions of the Call for Bids (with the exception of the Stage I alternate/additional information request response timeline as per Section 6.9 of the Call for Bids), and met the fairness and transparency requirements established in the Call for Bids
- b) the Evaluators adhered to IET's conflict of interest and confidentiality requirements, and
- c) all Respondents were treated consistently in the evaluation process and in accordance with the Call for Bids and the established principles of fairness, openness and transparency.

OPTIMUS|SBR Inc.



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Katelyn Scott, Senior Fairness Advisor