



MINISTRY OF TRANSPORTATION

~~CONSULTANT PERFORMANCE AND
SELECTION SYSTEM~~

~~(CPSS)~~

Engineering Services Performance and Selection
System
(ESPSS)

Procedures Guide

Qualification Committee ~~September 2017~~

June 2023

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Executive Summary

- ~~Effective September 15, 2017~~April 17, 2023, the Ministry of Transportation (MTO) modified its ~~Consultant~~Engineering Services Performance and Selection System (~~CPSS~~)ESPSS acquisition model weights for both the Request for Proposal (RFP) and Request for Quotation (RFQ) procurement ~~process. This change is applicable to the Expression of Interest/Phase I and RFP/Phase II stage to 25% for past performance (processes.~~
- The Corporate Performance Rating (CPR), 65% for the measure of a Service Provider's past performance, has been removed from all ESPSS acquisition models.
- Expression of Interest / Phase I of the RFP will be evaluated using 100% technical score.
- Phase II of the RFP will be evaluated using 80% technical score and 10% for 20% price. The RFQ weights are maintained at 50% for CPR and 50% for
- RFQ will be evaluated using 100% price.
 - ~~Past performance continues to be measured by a firm's CPR that is the weighted average of a firm's appraisals over the last three (3) years.~~
 - ~~Different CPRs are available for Planning, Engineering, Contract Administration, Area Materials Testing and Small Value Assignments.~~
 - ~~As of September 2005 the Qualification Committee Procedures and the Procedures for Processing the Consultant's Infraction Report have been revised.~~
- As of January 2022 the Qualification Committee Procedures have been revised.
- As of May 2023 the Procedures for Processing the Consultant's Infraction Report have been revised.
- As of October 15, 2000, the ~~Consultant~~Engineering Service Provider Appraisal Review process is available:
 - If a Service Provider disagrees with a performance appraisal received, they may request a review by the appropriate MTO ~~regional~~ manager, within 21-calendar days.
 - If the matter is not resolved at the ~~regional~~ manager level (Level 1), the Service Provider may request a review of the appraisal by Qualification Committee (QC) – Level 2. _____

Consultant Engineering Services Performance and Selection System (CPSS)ESPSS

On January 1, 2001, MTO ~~modified its consultant selection procedures to take first introduced~~ past performance into account at the Expression of Interest (EOI)/Phase I and at the Request for Proposals / Quotation (RFP/RFQ) stages ~~as an evaluation criteria in engineering service provider selection~~. The objective was to improve the quality of Engineering and Contract Administration services received and, thereby reduce road user costs and infrastructure life cycle costs. This ~~consultant~~ selection system is referred to as the Consultant Engineering Services Performance and Selection System (CPSS)ESPSS.

As of ~~September 15, 2017, April 17, 2023~~ MTO modified the CPSS ESPSS acquisition model weights applicable to reflect the RFP procurement process as follows: Expression decision to 'pause on the use of Interest/Phase I CPR' and RFP/Phase II stage to 25%, remove it as an evaluation criteria from bid evaluation.

MTO will utilize the CPR as a pre-qualification criteria, where a Service Provider, intending to bid on a ministry contract opportunity, must meet or exceed a minimum CPR to be eligible to bid. The minimum CPR will be published on quarterly basis on What's New in RAQS.

Note: For RAQS registered firms that, at the time of bidding, do not have their own CPR, they will be approved to bid. This 'auto approval' regarding the minimum required CPR, ends when they have earned their own CPR (based on an approved appraisal for past performance (with MTO).

Corporate Performance Rating, CPR, 65% for technical score, and 10% for price. (CPR)

Corporate Performance Rating (CPR)

Past performance is measured by a firm's CPR, which is the weighted average of a firm's appraisals over the last 3 years.

The CPR of a Service is calculated, by the following equation:

$$\text{CPR} = \frac{3 \times (\text{Average Year 1}) + 2 \times (\text{Avg. Yr. 2}) + 1 \times (\text{Avg. Yr. 3})}{6}$$

Avg Yr.1 = Average of all appraisals within the most recent 12 months

Avg Yr.2 = Average of all appraisals in 12 months prior to Year 1

Avg Yr.3 = Average of all appraisals in 12 months prior to Year 2

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$$\text{CPR} = \frac{3 \times (\text{Average Year 1}) + 2 \times (\text{Avg. Yr. 2}) + 1 \times (\text{Avg. Yr. 3})}{6}$$

Avg Yr.1 = Average of all appraisals within the most recent 12 months
Avg Yr.2 = Average of all appraisals in 12 months prior to Year 1
Avg Yr.3 = Average of all appraisals in 12 months prior to Year 2

Only “approved” performance appraisals are included in the CPR calculation. An appraisal is “approved” if the Service Provider firm signs off the Performance Appraisal Form or does not respond within the 21-calendar day time limit (to request a formal review).

In case a Service Provider requests a formal review, the appraisal is considered “not approved” until the completion of the regional manager (Level 1) appeal review process, or the Qualification Committee (Level 2) appeal review process.

MTO's Registration, Appraisal and Qualification System (RAQS) automatically calculates CPRs on a quarterly basis, for each firm, using approved past performance appraisals available at the end of the day, on the first Business Daycalendar day of **January, April, July, and October** of a year.

At each CPR calculation, performance appraisals with the approval date older than the past 3 years are dropped from the CPR calculation.

A firm's CPR is available for Planning, Engineering, Contract Administration (CA), Area Materials Testing, and Small Value Assignments (SVA)¹ appraisals. Each CPR is applied for selection pre-qualification in the corresponding assignment type. For example, only CA appraisals are used to calculate the CA CPR of a firm. MTO is responsible to identify the assignment type during the bidding phase. ~~Where an assignment includes more than one Assignment type grouping, a joint CPR is applied for the consultant selection process. For example, an assignment which includes Engineering and CA, a joint CPR based on both Engineering and CA appraisals will be used for selection. To allow CPR application for both the standalone and joint assignments, the following quarterly CPRs are made available in RAQS, as: This will determine what minimum CPR will be required to be met or exceeded by the firm intending to bid.~~

- ~~— Separate CPR's for Planning, Engineering and CA.~~
- ~~— Joint CPR for Planning and Engineering.~~
- ~~— Joint CPR for Engineering and CA.~~
- ~~— Joint CPR for Planning, Engineering and CA.~~
- ~~— Separate CPR for Area Materials Testing Assignments.~~
- ~~— Separate CPR for Small Value Assignments (SVA).~~

For a firm with prior approved appraisal(s) in RAQS, any appraisal(s) approved after a quarterly CPR calculation will await the next quarterly CPR calculation.

~~For a new firm, the first approved appraisal in RAQS will be applied immediately after its approval, to calculate the firm's CPR.~~

Viewing CPR

~~Firms can view~~

~~On a quarterly basis, MTO provides all firms with a report of their own CPR and the corresponding "approved" appraisals, by logging in through the RAQS public website.~~

While MTO makes every effort to reflect the correct calculation of CPRs in the system, each firm is also responsible to check their CPR in RAQS and advise MTO of any discrepancies or errors, within 3 business days of receipt of the quarterly CPR calculation report.

¹ SVA refers to an assignment with an Acquisition Value of \$25,000 or less.

[†]~~SVA refers to an assignment with an Acquisition Value of \$25,000 or less.~~

Starter CPR

~~If a firm does not have any past appraisals in the Planning, Engineering, CA, or SVA assignment groupings, the firm is assigned a “starter” CPR for that assignment grouping.~~

~~A “starter” CPR for an assignment grouping is equal to MTO’s wide average of all approved appraisals in that assignment grouping (a separate starter CPR is made available for each of the Planning, Engineering, CA, Area Materials Testing and SVA groupings).~~

~~A starter CPR is calculated every quarter and will change from quarter to quarter.~~

~~A starter CPR is also available to a new registered firm or to a registered firm venturing into a new area. A starter CPR allows a registered firm with no past appraisals to compete for assignments. A starter CPR is no longer available once a firm has one approved appraisal in RAQS in that assignment grouping.~~

~~The firm’s CPR will then be based on their approved appraisal(s) in that respective assignment’s grouping.~~

Joint Ventures

A Joint Venture is treated as an equal partnership of 2 or more firms bidding for an opportunity with MTO. Firms must declare that they have no conflict of interest with the assignment for each bidding opportunity.

~~For an assignment, the CPR for a Joint Venture is calculated using the approved appraisals of all firms in a Joint Venture and by applying the formula.~~

Proponents wishing to undertake an assignment as a Joint Venture are to provide a Letter of Intent jointly signed by Senior Partner / CEO as listed in the [CRFRAQS Company Information](#) of each of the firms, as part of their EOI/Phase I and II submission.

The Letter of Intent states that:

- The firms will be working as Joint Venture for the purposes of the assignment.
- The specialties / areas of work that each individual firm will be responsible for.
 - ~~At least 1 of the firms meets the RAQS Registration Requirements for Prime Specialty.~~

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- Identifies the lead firm and Ministry's contact for the purposes of an assignment.
- The lead firm meets the RAQS Registration Requirements for Prime Specialty.
- The lead firm meets or exceeds the minimum CPR required to bid

An email is required to be submitted to the Qualificationcontrol@ontario.ca with the above-noted information.

At the award of an assignment, the Agreement will be signed by all firms and will be binding on all parties in a Joint Venture. All provisions and obligations of the Agreement will apply equally to each Joint Venture firm. For the purposes of administering an assignment, MTO will deal with the Lead Firm as the MTO contact.

~~administering an assignment, MTO will deal with the Lead Firm as the MTO contact.~~

Appraisal Effective Date in CPR

The effective date of an appraisal for calculating CPR is one of the following:

- The date of sign off / approval in case of an appraisal accepted and signed by the Service Provider within date of 21-calendar days specified.
- The date of 21-calendar days specified to ~~service provider~~Service Provider if the firm decides not to respond back to the ministry.

When a performance appraisal is issued late by MTO, the following applies:

- If a Service Provider signs off to “approve” an appraisal, the Service Provider has the option of choosing the effective date of the appraisal to be either 60-calendar days after the completion/substantial completion of the Assignment or their sign-off date of the Performance Appraisal. This option is available only if requested in writing by the Service Provider atbefore sign-off.
- In the case where a Service Provider requests for a Formal Appraisal Review of such appraisal, the above-noted choice of effective dates will no longer be available during or at the completion of the review. For an “approved” appraisal through the formal Appraisal Appeal Review process, the effective date will be the date of completion of the formal Appraisal Appeal Review.
- The effective date of an appraisal already signed off or “approved” in RAQS cannot be changed.

CPSS

ESPSS Application at the Expression of Interest (EOI)/RFP Phase I Stage

- The
- Effective April 17, 2023, for the EOI/ / RFP Phase I submissions and past performance (CPR) each are scored out of submission, the weight for technical score is 100 points.%.
 - The highest EOI/RFP Phase I score and the highest CPR are each is assigned a score of 100 and the other values are pro-rated lower.
 - A weight of 75% each 100% is applied to the EOI/Phase I and 25% to past performance scores (CPR). technical score.
 - The weighted EOI/RFP Phase I and past performance (CPR) scores are added, and the technical score total is used to rank the Proponents. Based on the ranking, MTO typically shortlists 3 to 5 Proponents for the next procurement step.

Example:

An example of application of CPSS at the EOI/Phase I stage is illustrated below:
EOI/Phase I Submission Scores

Firm	A	B	C
Project Organisation Score (<i>Max. Score 20</i>)	10	14	17
Project Team Experience & Performance Score (<i>Max. Score 80</i>)	55	48	58
Total	63	62	75
<u>Total</u> Score out of 100	<u>84.00</u> <u>63</u>	<u>82.67</u> <u>62</u>	<u>100.00</u> <u>75</u>
Ranking	2	3	1
Weighted Score (75%)	63.00	62.00	75.00

Past Performance (Corporate Performance Rating, CPR) Scores

Corporate Performance Rating (CPR)	3.70	3.20	2.80
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Score out of 100	100	86.49	75.68
Weighted Score (25%)	25.00	21.62	18.92

Total Weighted Scores

Total Weighted Score	88.00	83.62	93.92
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Ranking	2	3	1
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<u>Ranking</u>	<u>2</u>	<u>3</u>	<u>1</u>
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CPSS

ESPSS Application at the Request for Proposals (RFP) Phase II Stage

- Effective ~~September 15, 2017~~ April 17, 2023, the following weights of technical scores, past performance (Corporate Performance Rating, CPR) score and price apply for selection:

~~EOI~~

RFP Phase II: Technical Score = ~~75%~~, ~~CPR = 25%~~

~~RFP/Phase 2: Technical Score = 25%, CPR = 65~~80%, Price = ~~10%~~ RFQ: CPR = 50%, Price = 50%~~20%~~

- The highest RFP/Phase II score, ~~the highest CPR~~ and the lowest price each are assigned a score of 100 and the other values are pro-rated lower.
- The weighted RFP, ~~CPR~~ and price scores are added by the system, and the total is used to rank the Proponents. The highest total weighted score wins the assignment. This is an automated system.

An example of the application of ~~CPSS~~ ESPSS with the revised weights at the RFP/Phase II stage is illustrated below:

Firm	RFP Tech. Score	Score (out of 100) <u>(Out of 100)</u>	Weighted Score (65%) (80%) <u>Perf. Rating (CPR)² Score (out of 100) Weighted Score (25%)</u>	Price	Score (out of 100) <u>(Out of 100)</u>	Weighted Score (10%) (20%)	Total Score	R an k <u>Rank</u>
A	635	100.00	65 <u>80</u> .00	3.60 <u>\$78,000</u> 94.74 23.69 78000	73.08	7.31 <u>14.6</u> <u>1</u>	96 <u>94.61</u>	1

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B	505	79.53	51.69 <u>63.6</u> <u>2</u>	3.00 <u>\$57,0</u> <u>00</u> 78.95 49.74 57000	100. <u>0</u> <u>00</u>	10 <u>20.00</u>	81.43 <u>83.6</u> <u>2</u>	5 <u>4</u>
C	552	86.93	56.50 <u>69.5</u> <u>4</u>	3.20 <u>\$69,2</u> <u>50</u> 84.21 21.05 69250	82.31	8.23 <u>16.4</u> <u>6</u>	85.78 <u>86.0</u> <u>0</u>	3 <u>2</u>
D	575	90.55	58.86 <u>72.4</u> <u>4</u>	2.90 <u>\$99,1</u> <u>30</u> 76.32 49.08 99130	57.50	5.75 <u>11.5</u> <u>0</u>	83.69 <u>94</u>	4 <u>3</u>
E	545	85.83	55.79 <u>68.6</u> <u>6</u>	3.80 <u>\$94,0</u> <u>00</u> 100.00 25.00 94000	60.64	6.06 <u>12.1</u> <u>3</u>	86.85 <u>80.7</u> <u>9</u>	2 <u>5</u>

If the Total Scores for two or more Proponents are tied, the Proponent with the lowest price wins the assignment.

² Automated by system

CPSS

ESPSS Application at the Request for Quotation (RFQ) Stage

The CPR and

- Effective April 17, 2023, the price are scored out of 100 points maximum ~~for each.~~
- The highest CPR and the lowest fee each are price is assigned a weight of 100 and the other values are pro-rated lower.
 - ~~Weights of 50% each are applied to CPR and price scores and the scores are converted.~~
- ~~The weighted CPR and price scores are added, and the~~ The total is used to rank the Proponents.
- The highest Total Weighted Score wins the assignment.

An example of the application of CPSSESPSS at the RFQ stage is illustrated below:

Firm	Price	Score out of 100	Wght <u>Weighted</u> Price Score (50% <u>100%</u>) Perf. Rating (CPR) Score out of 100 Wght Perf. Rating Score	Total Wght <u>Wght</u> Score	<u>RR</u> Rank
A	<u>\$</u> 80,000	75.00	37.50 <u>75.00</u>	75.00	3.70 90.24 45.12 82.622
B	<u>\$</u> 60,000	100.00 50.00 4.10	100.00 50.0	100.00	1
C	<u>\$</u> 70,500	85.11	42.56 <u>85.11</u>	3.10 <u>85.11</u>	75.61 <u>237.81</u> 80.37 3

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D	<u>\$</u> 100,500	59.70	29.85 <u>59.70</u>	2.80 <u>59.70</u> 68.29 34.1564.00	5
E	<u>\$</u> 95,000	63.16	31.58 <u>63.16</u>	3.70 <u>63.16</u> 90.24 45.1276.70	4

If the Total Scores for 2 or more Proponents are tied, the Proponent with the lowest price wins the assignment.

Consultant

Engineering Services Performance Appraisal Appeal Reviews

Appraisal Appeal Review Level 1: MTO ~~Office~~ Manager

- Within the twenty-one (21) calendar days of the transmission date of an appraisal, the Service Provider may submit a request for an appeal review, based on substantial and reasonable grounds, in writing (through their RAQS account) to the ~~Regional / Office~~ Manager, with the supporting documentation provided.
- The ~~Regional / Office~~ Manager will investigate the request for the appraisal appeal review. The Manager may interview / meet with Service Provider to discuss the appraisal and the supporting documentation submitted by the Service Provider.
- The Manager will advise the Service Provider on the decision. ~~Copies of through the decision and the pertinent documentation will be forwarded the Secretary, QC.~~ firm's RAQS account.
- If the Service Provider accepts the decision of the Manager, or if the Service Provider does not respond within 21-calendar days of the transmission of the decision, the appraisal rating decided upon is considered final and is automatically approved in RAQS.
- In case the Service Provider accepts the decision within 21-calendar days, the effective date of the appraisal will be date of Service Provider's signoff. In case the Service Provider does not respond, the effective date for the appraisal will be 21-calendar days after the transmission of the Manager's decision.
- The rating of the appraisal decided by the Manager is applied in the firm's CPR at the next quarterly CPR calculation.
- If the Manager's decision is not accepted, the Service Provider may request a review by QC level 2 appraisal appeal to the Qualification Committee, within 21-calendar days of the transmission of the Manager's decision, through the ESP's RAQS account. Copies of the decision and the pertinent documentation will be forwarded the Secretary, QC.
- The following appraisal effective date in CPR applies where a Service Provider has requested a Level 1 Appraisal Appeal Review:

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- Date of sign off / approval if within 21-calendar days of the decision by the Manager.
- Date of 21-calendar days specified to the Service Provider if the Service Provider decides not to respond back to MTO.
- Appraisal rating decided is applied for CPR calculation at the next quarterly calculation.

Appraisal Appeal Review Level 2: MTO Qualification Committee

- Within the deadline specified, the Service Provider may submit for a Review Level 2, in writing, based on substantial and reasonable grounds, to the Secretary, Qualification Committee (QC). The Service Provider must identify the sections of the performance appraisal that are disputed, and give detailed reasons with the supporting documentation provided.
- For CA assignments, the Appraisal Appeal Review Level 2 only applies to the final appraisal score. The Appraisal Appeal Review Level 2 does not apply to the monthly appraisal scores.
- QC will consider a Review of an appeal for one or more of the following reasons:
 - MTO's issuing office has not followed the prescribed process for the performance rating.
 - There is new or additional information to support the request for the Level 2 review.
- QC will consider any new information provided by the Service Provider if relevant and not considered by the Regional / Office Manager but supports a challenge of a decision made at the Level 1 Review. QC will not consider the sections of the performance appraisal that were not disputed in the request for the MTO Regional / Office Review.
- QC will instruct the appropriate MTO office to independently investigate the request, based on the information in the MTO files and the supporting documentation provided by the Service Provider.
- The investigator may request further information from the Service Provider or the MTO office regarding the performance appraisal issued.
- The investigator prepares an appraisal review and forwards it to the Secretary, QC.
- The appraisal review is discussed by QC, at the next scheduled meeting. Both the Service Provider and the Regional MTO Office are informed ~~of~~ the QC decision ~~of QC~~ and the decision is immediately implemented.
- The rating of the appraisal decided by QC is applied in the firm's CPR at the next quarterly CPR calculation.

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- The following appraisal effective date in CPR applies where a Service Provider has requested a Level 2 Appraisal Review:
 - Appraisal rating is effective on the date of the decision of QC.
 - Appraisal rating, as decided, is applied for CPR calculation at the next quarterly calculation.

Infraction Reports (CIRS)

Please refer to the Procedures for Processing the Consultant's Infraction Report (September 2015).

Please refer to the Procedures for Processing the Consultant's Infraction Report located on the Ministry's [Technical Publications](#) portal. (May 2023).