Energy Probe Interrogatory #36

Interrogatory

Reference:
Exhibit D2, Tab 2, Schedule 11, pages 1and 2; Attachment 1, page 13; Attachment 2, pages 1 and 9; Attachment 4, pages 1 and 10

a) Please confirm that Pegasus-Global and Bates White were engaged by Torys LLP and not by OPG.

b) Why were Pegasus-Global and Bates White engaged by Torys LLP and not by OPG?

c) Is OPG required to use Ontario Government's "biddingo" system (https://www.biddingo.com/) for consulting contracts? Please explain your answer.

d) Since Pegasus-Global and Bates White were engaged by Torys LLP, why are they required to conform with OPG's Standard Form Business Expense Schedule for Contractors?

e) Did Pegasus-Global and Bates White submit their invoices to Torys LLP or to OPG for payment? Which entity paid the invoices?

Response

a) Confirmed.

b) See Ex. L-A1-02-CCC-001, part f).

c) The Provincial Procurement Directive does not mandate OPG to utilize "Biddingo" for consultant engagements.

d) See Ex. L-A1-02-CCC-001, part f). In the course of these engagements, Torys bills OPG for disbursements that Pegasus-Global and Bates White incur. In order to prevent OPG from declining to reimburse for any disbursements, Torys requires that its consultants abide by OPG's Standard Form Business Expense Schedule for Contractors as part of its engagement letter.

e) Pegasus-Global and Bates White submitted their invoices to Torys LLP for payment. Torys paid these invoices and all costs were billed to OPG as disbursements.