

BIDDER DEBRIEF AND BID DISPUTE GUIDE

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NOTE: The Town reserves the right to amend or update this document at any time.

1. GLOSSARY OF TERMS

Agreement means a mutual understanding, which may or may not be legally enforceable: an Agreement is a Contract if it is legally enforceable.

Bidder/Proponent means the individual or legal entity submitting a Bid. For clarity, as per the Town's Procurement By-law and this procedural document, the word "Bidder" shall also include "Proponent", "Respondent" and "Offeror." The definition shall also include any principal, director, or officer of that Bidder, bidding directly for Town Contracts or indirectly through another legal entity

Bidder Debrief: A meeting organized by the Town, upon request of a Bidder, to share permitted parts of the evaluation results of their Bid. The Bidder Debrief allows successful and unsuccessful Bidders to understand and learn from their evaluation results.

Bid Dispute: Where a Bidder chooses to appeal the outcome of a Request for Review. A Bidder must submit their appeal in writing. Bid Disputes are reviewed by the Procurement Review Committee (PRC)

Bid Request: A solicitation from the Town to potential Bidders to submit a Bid.

Point of Contact: The Procurement Services staff member assigned to and named on the Bid Request.

Procurement Decision Notification: A notification of the results of a Bid Request to all Bidders.

Procurement Review Committee (PRC): A committee comprised of senior Town Staff which hears and decides on Bid Disputes.

Request for Review: Where Bidders express their concerns regarding a Bid Request or the related procurement process, in writing, for review by the Director of Procurement Services in consultation with the Director of the procuring Town Department and Legal Services, where applicable.

Any other terms capitalized in this procedure have the same meaning as in the Town's Procurement By-law # 2024-032-F1., as amended (the "Town's Procurement By-law").

2. PURPOSE

This Guide outlines the process by which a Bidder Debrief, Request for Review or Bid Dispute may be requested by Bidders and the criteria that govern how these are handled

by the Town. The process is intended to ensure that any Request for Review or Bid Dispute is handled in an ethical, fair, reasonable, and timely fashion.

3. PROCESS

A Bidder Debrief is the process by which Bidders are given the results of the evaluation of their bid on competitive procurements. A Bidder's Request for Review and Bid Dispute are mechanisms by which Bidders may express concerns or challenges regarding a Bid Request or aspects of the overall procurement process in connection with that Bid Request.

4. SCOPE

This Guide applies to all Bidders, Vendors, Suppliers and Town staff involved in a Bid Request.

Section 270(1) of the Municipal Act, 2001, as amended, stipulates that a municipality shall adopt and maintain policies with respect to its procurement of goods and services.

The Town's Procurement By-law 2024-032 FI was adopted by Council on April 3, 2024.

5. BIDDER DEBRIEF

- By request, Bidders may be provided the results of the evaluation of their Bid for a competitive procurement from Procurement Services.
- Only ranking and related information regarding the Bidder's Bid may be provided during the Bidder Debrief.
- A Bidder may request a Bidder Debrief from Procurement Services within five (5) business days of receiving the Procurement Decision Notification from the Town's electronic Bidding System and or email notification from the Point of Contact.
- A request for a Bidder Debrief must be made by the Bidder to the Point of Contact in writing.

6. REQUEST FOR REVIEW

- A Request for Review may be submitted by a Bidder if they are not satisfied with information shared in the Bidder Debrief and or would like to raise concerns regarding the Bid Request or process.
- The Request for Review must be submitted in writing, to the Point of Contact, within five (5) business days of the Bidder Debrief meeting.
- The Bidder(s) must include the following as part of their Request for Review:
 - The Bid Request number and or project number; and
 - The Bid Request title and or project name being disputed; and

- A clear statement detailing the Bidder's concerns; and
 - Any relevant supporting information and or documentation; and
 - The Bidder's contact information: Bidder name, contact name, phone number and email address.
- The Point of Contact will forward the Request for Review to the appropriate Procurement Services Manager.
 - The Manager Procurement Services will review the Request for Review in consultation with the procuring Department Commissioner and staff as appropriate.
 - The Manager Procurement Services may arrange a meeting with the Bidder.
 - The Manager Procurement Services will communicate the outcome of the Request for Review with the Bidder, in writing.

7. BID DISPUTE

- If the Bidder is not satisfied with the outcome of the Request for Review, they may submit a Bid Dispute, in writing, to the Manager Procurement Services, within five (5) business days of receiving the outcome of the Request for Review.
- The Bidder(s) must include the following as part of their Bid Dispute:
 - The Bid Request number and or project number; and
 - The Bid Request title and or project name being disputed; and
 - A clear statement detailing the Bidder's concerns; and
 - Any relevant supporting information and or documentation; and
 - Why the Bidder disagrees with the outcome of the Request for Review; and
 - The Bidder's contact information: Bidder name, contact name, phone number and email address.
- The Manager Procurement Services will acknowledge receipt of the Bid Dispute within five (5) business days of receiving the Bid Dispute.
- Bid Disputes will be reviewed by the Procurement Review Committee (PRC).
- The Manager Procurement Services will notify the Procurement Review Committee (PRC) that a Bid Dispute has been made and will provide the PRC with all relevant documentation regarding the procurement including the Bidder Debrief and Request for Review.
- The PRC will determine the outcome of the Bid Dispute.
- Any actions or decisions made by the PRC as a result of a Bid Dispute will be determined according to the merits of each individual case. The decision of the outcome made by the PRC will be final.

8. PROCUREMENT REVIEW COMMITTEE (PRC)

- The PRC is comprised of:
- Manager Procurement Services
- Commissioner of Finance and Treasurer
- Commissioner / Department Head of Procuring Department, and
- CAO Designate.

