

THE REGIONAL MUNICIPALITY OF YORK

TENDERING/PROPOSAL PROCEDURES
(With a Value Greater than \$100,000)

1.0 ISSUING OF TENDERS AND PROPOSALS

- 1.1 The Treasurer shall supply to all prospective bidders one (1) copy of the Request for Tenders or Request for Proposals, one standard bidding envelope and a set of plans or specifications (if applicable). A charge may be assessed for bid documents at the discretion of the Treasurer. A complete list of all prospective bidders for goods and services including their address and contact information is to be maintained by the Treasurer to facilitate distribution of addenda.

2.0 RECEIVING TENDERS AND PROPOSALS

- 2.1 A lockable box (the “Tender Box”) shall be maintained by the Regional Clerk to receive tenders or proposals (“Bids”) for other than professional and consulting services and for the safekeeping of same prior to the scheduled opening of Bids.
- 2.2 The Tender Box shall be placed behind the ground floor Kiosk of the Regional Administration Centre (the “Kiosk”) as determined by the Clerk by **8:30 a.m.** on the day scheduled for the opening of Bids (“Tender Opening Day”).
- 2.3 The Clerk shall maintain a Date and Time Stamp at the Kiosk. The Date and Time Stamp shall be synchronized with the NRC time clock and for that purpose a check and any necessary adjustments will be made at 8:30 a.m. on Tender Opening Day.
- 2.4 Immediately upon receipt, every Bid shall be date and time stamped and placed in the Tender Box.
- 2.5 Bid envelopes or packages which are too large to be date and time stamped directly shall have affixed to them a label stamped at the time of receipt.
- 2.6 Bid envelopes or packages which are too large to be placed in the Tender Box shall be held in a secure area designated by the Clerk.
- 2.7 Bid envelopes or packages which are received prior to Tender Opening Day are to be placed in the Tender Box.
- 2.8 The number of Bids received and the names of bidders is confidential information and shall not be divulged prior to the tender opening.

- 2.9 The Treasurer shall have the responsibility to receive proposals for professional and consulting services as indicated in the request for proposal document.
- 2.10 All tender and proposal closing times shall be valid for the 59 seconds following the appointed hour and minute for the tender closing. For greater certainty, where a request for tenders or request for proposals is scheduled to close at 1:00 p.m., any Bid received at or after 1:01 p.m. according to the Date and Time Stamp will be considered late and returned unopened.
- 2.11 Any correspondence pertaining to adjustments, corrections or restrictions to a Bid, which is received with a Bid but is outside of the envelope, or is received after a Bid has been submitted, but prior to closing time, shall not be considered.

2.12 Withdrawal Prior to Opening

A prospective bidder who has submitted a tender or proposal may request that it's tender or proposal be withdrawn. Adjustments or corrections to a tender or proposal submitted will not be allowed.

- 2.13 The withdrawal shall be allowed if the request is received prior to the closing time. Withdrawal requests must be made in writing, signed by an authorized signatory of the bidder, and directed to the Clerk by mail, facsimile or in person. Telephone requests shall not be considered. When withdrawals are made in person, the Clerk shall obtain a signed withdrawal letter confirming the details. Withdrawal notices received after the tender or proposal has been deposited shall be placed in the tender box. These bids shall be dealt with at the opening by announcing that the tenders or proposals are withdrawn and are to be returned unopened.
- 2.14 Withdrawal requests received after the closing time will not be allowed. In the event that a late withdrawal request is received, the party making the request shall be informed that the withdrawal request arrived too late for consideration.

Note: The withdrawal of a Bid does not disqualify a bidder from submitting another Bid on the same Tender call as long as the Bid is received prior to closing time.

2.15 Changes to Tenders or Proposals Prior to Opening

Clarifications to tender requirements, answers to queries from prospective bidders, changes, additions or deletions to, or cancellation of, tenders or proposals prior to opening may be made in the form of a written addendum issued by the Treasurer or by the Department Head in the case of professional and consulting services. A copy of each addendum shall be forwarded by facsimile transmission and prepaid mail, where appropriate, or by registered or certified mail to each prospective bidder

who obtained a tender or proposal document at the address provided by the prospective bidder.

- 2.16 Alternatively, prospective bidders who have obtained tender or proposal documents may be requested to pick up the addendum and sign for its receipt. A copy of the addendum shall also be issued with each tender or proposal form subsequently mailed out, couriered or picked up.
- 2.17 If an addendum is prepared too late to allow notification by mail prior to the closing time, in addition to mailing the notice, each prospective bidder who obtained tender or proposal documents for the contract shall be notified of the revision by facsimile, electronic mail, telephone or the bidder will be requested to pick up the addendum.

3.0 OPENING OF TENDERS & PROPOSALS

3.1 Opening Committee

Every tender or proposal received within the time specified in the Tender documents will be opened in public by a Tender Opening Committee, comprised of a representative from Supplies and Services and the Regional Clerk or his designate. A representative of the Regional user department may also attend the Tender Opening.

3.2 Opening of Tender Box

At the time scheduled for the opening of the tenders or proposals the Clerk (or designate) shall open the Tender Box and remove the contents.

3.3 Opening and Sorting

When the correspondence in the Tender Box has been reviewed and dealt with, the remaining Bids shall be opened.

3.4 More Than One Bid Under Same Name

If more than one (1) Bid is received under the same name, without any notice of withdrawal, the Bid contained in the envelope bearing the latest date and time stamp shall be considered the intended bid. If two (2) Bids are received in the same envelope, the signed copy shall be considered the intended Bid or, in the event that both Bids are properly executed and the prices differ, the Bid with the lower price shall be considered the intended Bid.

3.5 Tenders

When all tenders have been accounted for, the Clerk shall announce for each tender, the contract number, the name of each bidder and total bid amounts, repeating the total bid amount by announcing the individual digits that comprise the dollar value (i.e. \$100.25 would be repeated as "One-Zero-Zero-Two-Five") The order of tenders opened will be at the discretion of the Tender Opening Committee.

3.6 Proposals

When all proposals have been accounted for, the Clerk shall announce for each proposal the bidder's name.

3.7 Withdrawal During Opening

When more than one request for tenders or request for proposals is opened in one day, a bidder who has been read out as low on a previous tender or proposal the same day may withdraw subsequent tenders or proposals, prior to their opening. To do this the bidder must attest to his or her identity, in writing, and state the tender(s) or proposal(s) which is/are to be withdrawn. A written notice shall be attached by the Clerk to the applicable bid and the withdrawal shall be announced. The amount of the withdrawn bid shall not be read out.

3.8 Informal Bids

Bids found to be informal during the post tender analysis will have the informality noted on the tender recommendation form and will be rejected during evaluation. Informal bids are ones that have no undertaking to bond where required, which have not been signed by an authorized signatory or do not have an original signature, where a deposit is not provided where required or is not in an acceptable form, where the bid document has been restricted or altered in a way which is not acceptable, where there is no evidence of receipt of Addenda, where the bid document is not legible and/or written in ink or typewritten, where the bid document is not in an acceptable form, where all items are not bid if specified, or where the Bid in some way departs from the plans and specifications in the bid documents.

3.9 Irregular Bids

Bids found to be irregular during the post tender analysis will have the irregularity noted on the tender recommendation opening form and may, at the sole discretion of the Bid Review Committee, be rejected. Irregular bids are ones that are not on original form as supplied by the Region, where the bid has no seal, where there are obvious mathematical errors and where bidders' corrections are not initialed or where submitted forms are reasonable facsimiles.

3.10 Withdrawn Bids

Within five (5) business days following the tender or proposal opening the Treasurer shall return any withdrawn bids and the deposit cheques, if applicable, to the bidders. If a Bid deposit cheque is returned by being picked up, a letter acknowledging receipt must be signed by an authorized representative of the bidder.

3.11 Disposition of Deposit Cheques/Bid Bonds

Within five (5) business days following the opening of tenders, all deposits other than the deposits of the two lowest acceptable bidders and, any other deposits that the Treasurer is authorized to retain pursuant to the tender documents, shall be returned to the applicable bidders by prepaid mail or registered mail to the address provided by the bidder. Bidders may also pick up deposits. If a deposit is returned by being picked up, a letter acknowledging receipt must be signed by an authorized representative of the bidder. The retained deposits will be held until the contract has been executed.

4.0 EVALUATION

4.1 Tenders or Proposals

The Treasurer shall endeavour to check all tenders or proposals received for accuracy and completeness and deal with them as described below within five (5) working days from tender or proposal opening date unless further clarification is required on any bid irregularities.

4.2 Tenders or proposals must be legible, written in ink or typewritten, and all items must be bid, where stipulated. Tenders or proposals not completed in this manner must be rejected. Erasures, overwriting or strike outs must be initialled by the person signing on behalf of the bidding company or the bid may be rejected.

4.3 Tenders must not be qualified by any statement added to the tender form or by alterations to the tender form unless specifically authorized in the tendering documents; such qualified tenders must be rejected. Tenders received with covering letters which alter, restrict, correct or in any way qualify the tender must be rejected. Tenders received with correspondence which helps to explain or describe the product, service or company may be accepted.

4.4 Adjustments by telephone, electronic mail, facsimile transmission or letter to a tender already submitted will not be considered. A bidder desiring to make adjustments to a tender prior to the closing time must supersede it with a later tender submission.

4.5 The tender form must be signed in the space provided with the signature of the bidder or of an authorized signatory of the bidder. Bids signed by an individual not authorized to bind the bidder will be rejected.

4.6 If a joint bid is submitted, it must be signed on behalf of each of the co-bidders and if the signing authority for both bidders is vested in one individual, that individual shall sign separately on behalf of each bidder. Tenders not properly signed will be rejected.

- 4.7 Where required, the tender must be accompanied (in the same envelope as the tender) with an undertaking to bond and a bid deposit in the form of a certified cheque to The Regional Municipality of York in the amount specified, or other bid security in the form and amount acceptable to the Region as described in the tender documents. If bid security is not submitted in a form acceptable to the Region, the tender must be rejected.
- 4.8 Alternative proposals will not be considered unless expressly requested in the tendering document.
- 4.9 Bids that do not comply with the specifications must be rejected.
- 4.10 Proposals Evaluated by an Evaluation Committee

Proposals, including requests for pre-qualification, will be evaluated by an evaluation committee. The evaluation committee will consist of a minimum of three (3) members and will be facilitated by the Supplies and Services Branch of the Finance Department. Proposal evaluations will be based on the evaluation criteria stated in the request for proposal document and in accordance with Council Adopted Guidelines and general principles of Appendix A to Report #9 of the Finance and Administration Committee, June 8, 1998.

5.0 DEBRIEFING

- 5.1 If a respondent to a Request for Proposals or Request for Prequalification requests a debriefing, the Region shall follow the process described below:
- i) Debriefings will be conducted in accordance with York Region procedure for conducting Supplier/Contractor Debriefings dated December 7, 2005 and attached hereto as Schedule "A";
 - ii) Debriefings will be conducted only after an award has been made.
 - iii) Debriefings can be conducted by telephone, via e-mail, in writing or in a face-to-face meeting.
 - iv) Debriefings are for the purpose of making the respondent aware of the strengths and weaknesses of their specific submission in relation to the bid document and not in comparison to the other submissions.

**6.0 RELEASE OF INFORMATION DURING TENDER PROCESS
(BLACK-OUT PERIOD)**

- 6.1 The Region prohibits communications initiated by any Bidder to any Regional official, consultant or employee with respect to any Request for Tenders or Request for Proposals for the period of time from the tender closing date up to and including the date that the Contract has been awarded (the “Black Out Period”) through one of the following methods:
- a) The recommendation report to the applicable standing committee is made public through the Region’s Clerks Branch; or
 - b) Where the Chief Administrative Officer has awarded a tender/proposal under authority delegated by the Region’s Purchasing By-Law,
- 6.2 Any communication between Bidders and the Region during the Black Out Period will be initiated by the Region’s Purchasing Analyst for the purpose of obtaining information or clarification necessary in order to ensure a proper and accurate evaluation of Bids.
- 6.3 The Region shall not disclose any information related to any potential outcome of the evaluation of the submissions or any information related to any content of the submissions during the Black Out Period.
- 6.4 Any communications initiated by Bidders during the Black Out Period may be grounds for disqualifying the offending Bidder from consideration for the tender award and/or may result in a suspension of bidding privileges or debarment from future Regional tenders.

September 21, 2006