

# Corporate Policy and Procedure



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TAB: CORPORATE ADMINISTRATION  
SECTION: ACQUISITION / DISPOSAL OF GOODS AND SERVICES  
SUBJECT: BID PROTESTS

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**POLICY STATEMENT** Bidders who have responded to a formal bid request have the right to register a bid protest, if they feel that the City's actions in evaluating bids, or recommending the award of a contract, have been unfair or inappropriate.

**PURPOSE** This policy outlines the steps which must be followed by City staff to ensure that bid protests are handled appropriately, including:

- ! providing advance notice of the award decision to unsuccessful bidders;
- ! responding to written objections to the City's decision and attempting to resolve disputes with bidders prior to a formal bid protest; and
- ! ensuring that the bidder's formal bid protest is registered with the Office of the City Clerk.

**NOTICE TO BIDDERS** The Manager, Materiel Management notifies bidders in writing, as soon as possible (and prior to award of a contract) if their bid is rejected due to an irregularity. (Refer to Corporate Policy and Procedure - Bid Irregularities for more information.) The Manager, Materiel Management (or designate) notifies all bidders, in writing, of the results of the evaluation prior to the award of a contract. The notice explains the reason for the staff recommendation, and advises the bidder that objections to the recommendation must be made to the Manager, Materiel Management, in writing, within three working days from the date of the notice otherwise, the award recommendation will proceed to approval.

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The Buyer is responsible for filing a copy of each notice, in the procurement file.

## RESPONDING TO BIDDER'S OBJECTION

The Buyer is responsible for providing an initial response to verbal bidder questions or objections to the City's decision. The response may be made either verbally or in writing, and where possible, will be made within 48 hours. If the bidder requires further information, the Buyer will notify the bidder to forward specific issues and questions, in writing, to the Manager, Materiel Management.

The Manager, Materiel Management may arrange a meeting with the bidder, and will provide a written response addressing the bidder's concerns. The response will be provided, where possible, within 10 working days of receipt of the written bidder request. If the bidder is not satisfied, the Manager will advise the bidder that a formal bid protest may be made by registering with the Office of the City Clerk to make a deputation before an appropriate committee of Council. In this event, the bidder must notify the Manager of his or her intent to register, within five working days of receiving the Manager's response.

The Buyer is responsible for keeping a copy of each response, in the procurement file.

## REGISTERING BID PROTEST

Formal bid protests are heard by the appropriate committee of Council, prior to the bid award. Bidders are advised that only those issues which have been raised with the Manager, Materiel Management, and which staff have had an opportunity to investigate and formally respond to, may be presented. Formal bid protests must be registered with the Office of the City Clerk. Upon receipt of a notice of a formal bid protest, the Manager, Materiel Management will advise the Office of the City Clerk.

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The Office of the City Clerk will then confirm a date for the bidder to appear before a committee of Council, and advise the bidder and the Manager, Materiel Management, in writing, of the committee meeting date.

The Buyer is responsible for keeping a copy of all notices in the procurement file.

Any action taken by Council as a result of a bid protest will be determined by Council on the merits of each individual case.

REFERENCE: GC-0016-2002 - 2002 01 16

CONTACT: For more information, contact Materiel Management, Corporate Services Department.