

Policy Title: Bidding Procedures for Publicly Advertised High Value Acquisitions

Policy Number: 03-06-11

Section: Corporate Administration

Subsection: Acquisition/Disposal of Goods and Services

Effective Date: March 31, 2020

Last Review Date: August, 2023

Approved by:

Owner Division/Contact:

Leadership Team

Procurement Services, Corporate Business Services Division, Corporate Services Department

Policy Statement

All competitive bidding opportunities for High Value Acquisitions are publicly advertised. Bids received in response are received and opened electronically.

Purpose

The City of Mississauga conducts fair and consistent bidding processes and ensures equitable treatment of all Bidders. Public disclosure of Bidder names and Bid price information, where applicable, ensures that the integrity of the bidding process is maintained.

This policy outlines the electronic Bid submission and Bid Opening processes and provides direction to staff in the event that tied Bids are received, or cancellation and reissuing of a Bid Request is required.

Scope

This policy applies to all competitive High Value Acquisition bidding processes undertaken and approved in accordance with the Procurement By-law.

Legislative Authority

This policy complies with the City of Mississauga Procurement By-law 0013-2022, as amended.

Disclosure of information is subject to the requirements of the *Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA). For additional information on MFIPPA refer to Corporate Policy and Procedure - Corporate Administration - Freedom of Information and Protection of Privacy.

Definitions

For the purposes of this policy:

“Award” means the selection of the Bidder and the Bidder’s goods and/or services, as accepted by the City.

“Bid” means an offer or submission from a Bidder, received in response to a Bid Request.

“Bid Opening” means the electronic opening of a Publicly Advertised High Value Acquisition Bid received in response to a Bid Request.

“Bid Request” means a solicitation from the City to potential bidders to submit a Bid.

“Bidder” means any legal entity submitting a Bid.

“Buyer” means a Buyer in the City’s Procurement Services Section, Corporate Business Services Division who is assigned responsibility for a particular procurement and who is the City’s Procurement Representative for the purposes of the Website.

“City” means the Corporation of the City of Mississauga.

“Contract Manager” means a City employee to whom a departmental director has delegated procurement process responsibility and/or contract management responsibility.

“High Value Acquisition” or “HVA” means a procurement of goods and/or services having a value of \$100,000 or more, exclusive of taxes.

“Manager” means a Manager of Procurement Services, Corporate Business Services Division, Corporate Services Department or their designate, in writing.

“Procurement By-law” (the “By-law”) means the City’s Procurement By-law 0013-2022, as amended.

“Procurement Services” means an organizational unit of the Corporate Business Services Division of the Corporate Services Department responsible for the procurement of all goods and services for the City and the administration of HVA procurement processes.

“Publicly Advertised Bid Request” means the advertising by the City of a Bid Request on the internet.

“Website” means the City of Mississauga Bidding Opportunities Website.

Electronic Bidding System

The City has established the “City of Mississauga Bidding Opportunities Website” (the “Website”) for the purposes of:

- Publicly advertising notice of HVA bidding opportunities
- Providing Bidders with the ability to prepare their Bids electronically
- Receiving Bids electronically
- Opening Bids electronically and posting relevant Bid information, and
- Electronically managing communications and distribution of information to Bidders during bidding processes

Publicly Advertising Notice of HVA Bidding Opportunities

A notice to potential Bidders of each competitive HVA bidding opportunity is posted on the Website. The form and content of the notice and the notification posting times are in accordance with applicable trade agreement requirements.

Electronic Preparation of Bids

Each Bidder is responsible for preparing their Bid electronically on the Website, following all instructions, using the forms provided and attaching all requested information.

Electronic Communications

Bidder inquiries are managed through the Website. The submission of questions by Bidders generates and sends an email to the Buyer responsible for the procurement. The Buyer will respond to the Bidders inquiries and/or issue addenda to the Bid Request, as required.

Electronic Submission of Bids

The closing date and time for submission of Bids is stated in each Bid Request.

The City will only accept electronic Bids submitted through the Website. Bids submitted and/or received by any other method will be rejected.

A Bid will be considered to have been submitted only when it has been accepted by the Website. The Bidder will receive a confirmation email from the Website on receipt and acceptance of the Bid.

The Website will not accept late Bids. Late Bids will not be accepted by the City under any circumstances.

A Bidder who has submitted a Bid may edit and resubmit or withdraw the Bid at any point before the closing date and time.

In the event that the Website is unavailable to Bidders, the Buyer will communicate with Bidders to provide alternate instructions and extend the closing date and time if required.

Electronic Bid Openings

All Bids received are held securely by the Website. At a time specified on the Website following the closing date and time, all Bids received in response to the Bid Request will be automatically “unlocked” and electronically opened.

For Request for Tender processes, the names of the submitting Bidders and their total Bid price(s), as submitted, will be publicly available on the Website. The Bid prices are unofficial at Bid Opening.

For Request for Proposal processes, only the names of the submitted Bidders will be publicly available on the Website.

Bid Results will not be provided in any other manner.

Tied Bids

In the event of two or more tied Bids, those Bids will be reviewed and/or evaluated in accordance with policy. If after review and/or evaluation two Bids continue to be tied, and are contenders for Award, the Manager or the Buyer will, in the presence of the Contract Manager and the Bidders, if they wish to attend, conduct a coin toss (heads wins). “Heads” will be assigned to the Bidder whose company name occurs first alphabetically. The Award will then be recommended to the winner of the coin toss.

In the event that three or more Bids continue to be tied after review and/or evaluation, and are contenders for Award, the Manager or the Buyer will, in the presence of the Contract Manager and the Bidders, if they wish to attend, conduct a lottery. The Award will then be recommended to the winner of the lottery.

Cancelling Bid Requests

The Manager may cancel a Bid Request, in whole or in part, if:

- The Bid Request contains errors or omissions which, in the opinion of the Manager, would result in an unfair process if an Award was made, or
- The goods and/or services are no longer needed, or
- All acceptable Bids received exceed the budget for the procurement or the fair market value and negotiating with the Bidder with the best value or lowest priced Bid is unlikely to yield an acceptable offer, or
- An opportunity arises and it is advantageous for the City to purchase through another government contract, or
- A determination has been made that the bidding process has been compromised, or
- The scope of the procurement has changed, or
- Any other reason, as outlined in the Bid Request

The Manager may cancel an HVA Bid Request with the approval of the Contract Manager, section manager and Buyer, by way of execution through the City's internal authorization process.

Procurement Notices

The Buyer will issue electronic notifications to Bidders, as required during a procurement process, including a Notice of Procurement Results on completion of review and/or evaluation of Bids and, to the successful Bidder(s) upon approval to award a contract, a Notice of Contract Award.

Retention of Bids

Procurement Services is responsible for the safekeeping of Bids and retention of all Bid Request process documentation in accordance with the City's Records Retention By-law, as amended.

Revision History

Reference	Description
March 31, 2020 – Leadership Team	
March 14, 2022	Housekeeping due to reorg and new Procurement By-law.
August 2, 2023	Scheduled review. Minor administrative revisions to clarify the process for bid openings, cancelling bid requests and communicating with bidders.