

Policy Title: Receiving and Reviewing Unsolicited Bids

Policy Number: 03-06-14

Section: Corporate Administration

Subsection: Acquisition/Disposal of Goods and Services

Effective Date: January 25, 2024

Last Review Date: N/A

Approved by:

Owner Division/Contact:

Leadership Team

Corporate Business Services/Procurement Services

Policy Statement

Recognizing that Unsolicited Bids for the provision of Goods and/or Services may offer improved services, reduced cost, cost avoidance, and/or other benefits, the City has established a standardized process for handling Unsolicited Bids.

Purpose

This policy outlines the process by which the City receives and considers Unsolicited Bids from Suppliers.

The intent of the Unsolicited Bid process is to eliminate the perception of bias, and to ensure transparency, fairness, and best value for the City, while appropriately protecting the proprietary trade information of Suppliers.

Scope

This policy applies to all Unsolicited Bids received by the City and to all employees of the City and its elected officials.

Legislative Considerations

This policy complies with the Procurement By-law 0013-2022, as amended, which governs the procurement of Goods and Services.

Definitions

For the purposes of this policy:

“Goods” means tangible and intangible goods of all kinds, including but not limited to supplies, materials, equipment, structures and fixtures to be delivered, installed and/ or constructed, and licences and subscriptions.

“Services” means services of all kinds, including labour, construction, maintenance and professional and consulting services.

“Supplier” means a legal entity submitting an Unsolicited Bid to the City for consideration.

“Unsolicited Bid” refers to an offer for a new or innovative idea submitted to the City on the initiative of a Supplier for the purpose of obtaining a contract with the City, with the express intent of securing a financial return for the Supplier.

Bids Ineligible for Consideration

An Unsolicited Bid will not be considered if:

- It has been improperly submitted (i.e. Unsolicited Bids must be submitted to Procurement Services by email to unsolicitedbids@mississauga.ca using an Unsolicited Bid Submission Form)
- The Supplier has submitted 3 or more Unsolicited Bids for the same or substantially similar Goods and/or Services within a rolling 12 month period
- It is deemed by Procurement Services that the bid is intended to circumvent the City’s procurement process
- It resembles a current or upcoming competitive bid request that has or will be initiated
- It requires substantial assistance from the City to undertake
- The Goods and/or Services are readily available from other sources
- It is deemed, by the applicable director, to be of no significant value to the City, or
- It is in response to a current or anticipated bid request or any City-initiated program

Submission of Unsolicited Bids

Suppliers wishing to submit an Unsolicited Bid must use an Unsolicited Bid Submission Form (“Form”), (Appendix A), available on the Procurement page of the City’s Website. Completed Forms, along with any associated attachments, brochures and/or information packages must be submitted to Procurement Services at unsolicitedbids@mississauga.ca. Unsolicited Bids that are sent to individual employees, elected officials and/or City departments will not be considered unless they are re-submitted in accordance with this policy.

Review and Evaluation of Unsolicited Bids

Step 1

Upon receipt of a Form, Procurement Services will review to:

- a) Determine if the Form is accurate and complete, or if additional information is required from the Supplier, and
- b) Confirm the Unsolicited Bid is eligible for consideration

Within five (5) business days of receipt of the Form:

- a) If the Form is complete and the Unsolicited Bid is eligible for consideration, Procurement Services will acknowledge receipt with the Supplier and forward the Form to the applicable director for evaluation and record the Unsolicited Bid in the Unsolicited Bid Log, or
- b) If the Form is incomplete or inaccurate, Procurement Services will advise the Supplier accordingly and direct them to resubmit once complete/updated

Step 2

The Form will be reviewed by the applicable director to evaluate its merits and validity to City operations. The applicable director may engage other City staff and external advisors to assist in the evaluation. The evaluation criteria may include but are not limited to: uniqueness and innovation; alignment with City priorities; value for money; need; risk to the City; and feasibility. Within 20 business days of receipt of a Form, the applicable director will inform Procurement Services that:

- a) Further information is required before a decision can be made, along with a description of the additional information required
- b) The Unsolicited Bid is not in the best interest of the City, along with the rationale for this decision, or
- c) The Unsolicited Bid is in the best interest of the City, along with the rationale for this decision

Step 3 (If Applicable)

Where a director has advised Procurement Services that additional information is required, Procurement Services will, within 5 business days, liaise with the Supplier to obtain the required information. Upon receipt of additional information, Procurement Services will communicate the information to the applicable director. The applicable director will then proceed to repeat Step 2.

Step 4

When the evaluation of an Unsolicited Bid is complete, one of the following actions will be taken:

- a) If the Unsolicited Bid is deemed by the applicable director to be not in the best interest of the City, Procurement Services will advise the Supplier accordingly and no further action will be taken
- b) If the Unsolicited Bid is deemed by the applicable director to be in the best interest of the City, a request for a Single Source procurement may be submitted pursuant to Section 13 of the Procurement By-law, or
- c) The City may proceed to open market competition for all or part of the Goods and/or Services or for similar Goods and/or Services

The approval and execution of any contract shall be in accordance with Schedule B of the Procurement By-Law.

Roles and Responsibilities

Procurement Services

Procurement Services is responsible for:

- Ensuring compliance with the City’s Procurement By-law
- Reviewing Forms and liaising with Suppliers as required to obtain additional information
- Determining if an Unsolicited Bid is eligible for consideration
- Maintaining a log of Unsolicited Bids deemed eligible for consideration, and
- Providing support and guidance to directors as required

Directors

Departmental Directors are responsible for:

- Evaluating Forms in a timely manner and in accordance with this policy
- Ensuring any subsequent procurement as a result of the Unsolicited Bid is undertaken in accordance with the City’s Procurement By-law

Revision History

Reference	Description
LT – 2024 01 25	