

TOWN OF BANCROFT TENDER PROCEDURE

This procedure shall be used by all Town departments when tendering for or requesting proposals for the supply of goods or services.

TENDER DOCUMENT:

The tender document shall be prepared by the department requesting the goods or service under the direction of the Department Head. The Department Head shall forward the tender document, along with directions for advertising, to the Treasurer.

Tenders that provide for the supply of goods or services for more than one department shall be prepared by the Treasurer.

The closing date provided in the tender should be at least three (3) weeks following the first advertising date. However, this period may be shortened at the discretion of the Department Head based on the Department requirements and number of bidders available for the tender.

HEALTH AND SAFETY:

Prior to calling a tender, all health and safety considerations shall be addressed.

Contractors providing goods or services to the Town must be made aware of and held accountable for meeting the requirements of the Occupational Health and Safety Act and Town's Health and Safety Policies and Procedures.

CALLING OF TENDERS:

The calling of tenders shall be the responsibility of the Treasurer.

Tenders should be advertised in local papers as directed **(by Town policy)**, and where appropriate in at least one major trade publication.

Advertisements should appear in the press at least once, and sufficient time between advertising and closing shall be allowed to permit the bidders to obtain the tender documents, examine the site if applicable, complete and submit the tender.

A list of all plan takers shall be maintained by the Treasurer and shall be available to the public. The list shall contain the names, addresses, and telephone numbers of all parties requesting tender documents.

CALLING OF TENDERS - cont'd

When it becomes necessary to revise, delete, substitute or add to the ~~tender~~ **Tender** or Request for Proposal documents for a tender under call, the Department Head shall approve the issuance of an addendum.

A copy of each addendum shall be forwarded by ~~f~~~~Fax and mail~~ax, e-mail or regular mail to all plan takers, and a copy shall be attached to all undistributed tender documents.

If the addendum is prepared too late to allow notification by mail prior to the closing time, in addition to faxing the addendum, each prospective bidder shall be telephoned to advise of the addendum, and the closing date ~~shall~~ may be extended.

In all cases, when an addendum is issued, it is desirable to give prior notice of the mailing to the prospective bidders by telephone.

CHARGING FOR TENDER DOCUMENTS:

At the discretion of the Municipal Council a refundable or non-refundable fee may be charged for contract drawings and documents as part of the tender call.

The amount of the fee shall be established by the Municipal Council to offset the cost associated with labour and materials required to prepare the drawings and/or documents.

RECEIVING TENDERS:

All tenders shall be received in the office of the Treasurer, and must be clearly marked as to the tender and bidder's name.

When a tender is received, the envelope shall be dated and time-stamped and initialed by the receiver.

All tenders received shall be kept in a safe and secure location by the Treasurer.

The number of bids received and names of bidders is confidential, and shall not be divulged prior to the tender opening.

Late tenders (those received after the tender has closed) shall be dated and time-stamped and initialed by the receiver. The tender shall then be returned to the bidder unopened. Those tenders returned by mail must be accompanied by a covering letter stating that the tender could not be accepted due to late arrival.

WITHDRAWAL OF TENDERS:

A bidder who has submitted a tender may request that the tender be withdrawn. Adjustments or corrections to a tender already submitted will not be allowed. The withdrawal will be allowed if the request is made by mail, fax or in person before the closing time (telephone requests shall not be considered).

When a withdrawal request is made in person, the requester shall sign a withdrawal form confirming the request. When requests are made by mail or fax they shall be confirmed by telephone prior to acceptance.

Tenders confirmed as withdrawn prior to closing time shall be returned unopened.

The withdrawal of a tender does not disqualify a bidder from submitting another tender on the same contract.

Withdrawal requests received after the tender closing time will not be allowed.

When several contracts are opened at the same tender opening, at the conclusion of the opening of one contract and prior to the opening of another, the low bidder may withdraw any of his remaining tenders. Tenders withdrawn under these procedures cannot be reinstated even if, following the tender checking procedure, it is found that the bidder was not the low tender.

TENDER OPENING:

Tender openings shall take place as soon as possible after the closing time.

Tenders shall be opened in public, and shall be conducted under the chairmanship of the Town Mayor/or Designate. The Department Head, Treasurer and Town Administrator or their designates shall also be present at the tender opening.

When two or more tenders for different items are to be opened at the same time, the chairman shall determine the order of opening.

~~(a draw shall be held to determine the order of opening).~~

Any tender that does not have the contract number on the envelope shall be opened and placed with the other tenders for that contract.

TENDER OPENING - cont'd

If correspondence is found enclosed with a tender, or if items are missing from the tender (i.e. the bid deposit cheque) the tender shall be considered to be an 'improper bid'. Such tenders shall be noted in the tender record as an improper bid, but shall be read out in the normal fashion. The tender shall then be referred to the Department Head for a recommendation as to acceptance or rejection.

When tenders have been opened and sorted, the Treasurer shall check the number of tenders opened to ensure that all tenders received are accounted for. If a discrepancy occurs, the tender opening proceedings shall be delayed until all tenders have been accounted for.

When all tenders have been accounted for, the chairman shall announce for each contract the contract name and number, the number of bids received, the name of the bidders and their total bid amounts.

~~After~~ As the bid amounts ~~have been~~ are read out, the Treasurer shall prepare ~~in order of bid amount from low to high~~ a list of the bidders, tender amount, deposit cheque amount, and a notation if it is an improper bid.

When all tenders for a contract have been read out and the information has been recorded by the Treasurer, the Chairman shall close off the Record of Tenders Opened by drawing a diagonal line in the unused spaces under the information listed and sign the form.

During the reading out of tenders the Chairman shall check for more than one tender under the same name. If two tenders for the same contract are received in the same bidder's name, and are both properly submitted, the lower tender amount shall be considered the intended bid, and shall be processed in the normal manner.

The tenders shall then be turned over to the Department Head for checking. Any bid deposit cheques or other securities submitted in accordance with the tender document shall be held in safe keeping by the Treasurer.

Following the tender opening, the Treasurer shall return any tenders and deposit cheques that were withdrawn during the opening, to the bidder by ~~registered mail~~ mail or by hand. If a tender and deposit cheque are returned by hand, a letter acknowledging receipt must be signed by the bidder.

CHECKING TENDERS:

All tenders shall be checked under the supervision of the Department Head.

CHECKING TENDERS – cont'd

Tender Procedure

Tender documents shall be checked to ensure that:

- (1) the bidder's name and tender amount shown on the Record of Tender Opening are correct;
- (2) the tender form is signed as necessary, sealed or witnessed;
- (3) the correct tender form has been used;
- (4) each tender envelope is dated and time-stamped prior to the contract closing time;
- (5) the tender deposit is sufficient and in an acceptable form;
- (6) each item on the tender has been bid;
- (7) all extensions and totals for each tender are correct. If an extension or total is incorrect, the checker shall cross out the incorrect figure, enter the correct figure in red and initial the entry. The checker shall initial each tender adjacent to the total certifying that it has been checked and is correct;
- (8) the tender is free of restrictions or alterations;
- (9) all other tendering requirements have been met.

Following completion of the checking procedures, bidding infractions shall be noted on the Record of Tenders Opened. This notation must clearly state the reason the bid is considered improper. The Department Head shall then decide on the acceptance or rejection of all tenders noted as improper on the Record of Tender Opening.

The decision as to whether an improper bid shall be rejected or accepted shall be based upon the following general considerations.

- (1) is the intention of the bidder clear?
- (2) has the bidder made a conscientious attempt to comply with the Tender Requirements?

CHECKING TENDERS - cont'd

Extreme care must be exercised by the Department Head responsible to ensure that Improper Bids are handled in a manner that is fair to other bidders as well as to the public.

When an improper bid is rejected, the amount of the tender shall not be recorded on the Record of Tenders Opened, but the words 'Rejected Bid' shall be recorded instead.

The Department Head shall then prepare a recommendation to the Municipal Council. In his recommendation he shall include all bids that are improper, and he shall recommend acceptance or rejection of any bid, and recommend the award to the successful bidder, or if necessary, the cancellation of the contract.

Immediately following the checking of tenders, the Department Head shall notify the Treasurer that it is in order to return all deposit cheques other than the low and second low bidder.

TENDER AWARD:

The Municipal Council shall review the Department Head's recommendation, and make an award.

In the event that more than one bidder has submitted a low tender in the same amount the Municipal Council shall make its decision based on the merit of the tender (i.e. time for completion and previous performance of the bidder). If the merit for each tender is equal, then the tender to be accepted shall be decided by means of a draw. The names of the tied bidders shall be placed in a container and the tender to be awarded shall be drawn by the Mayor. The time and location of the draw shall be set by the Mayor, and the bidders shall be notified in order that they may be present.

Upon the award of the contract, the Treasurer shall immediately send a Notification of Acceptance to the successful bidder advising him that his tender has been accepted, and advising that documents will follow for execution.

When the contract has been accepted, the formal contract agreement shall be prepared by the Department Head and submitted to the contractor for execution. The contractor will be allowed ten working days between the date of mailing the agreement and the date the executed contract must be returned to the Department Head.

As soon as the contracts, bonds, etc., if any, are returned and found acceptable to the Department Head, the deposit cheque of the successful bidder and the second low bidder shall be returned by registered mail.

TENDER AWARD - cont'd

If the contract has been awarded and the successful bidder fails to sign the contract or provide a contract bond, cash or other acceptable collateral within the specified time, the Town Administrator may grant additional time to fulfill the necessary requirements or may recommend one of the following:

- (1) that the contract shall be awarded to the next higher bidder;
- (2) that the contract shall be cancelled.

In either of the above cases the deposit cheque of the low bidder shall be forfeited. If the contract is to be awarded to the second low bidder, his deposit cheque shall be retained until he has actually signed the contract.

If the second low bidder fails, or declines to execute the contract if awarded to him, his deposit shall also be forfeited.

