

City of Mississauga Corporate Report



9.1

Date: March 29, 2021

To: Chair and Members of General Committee

From: Gary Kent, CPA, CGA, ICD.D, Commissioner of
Corporate Services and Chief Financial Officer

Originator's files:

Meeting date:
April 14, 2021

Subject

Formal Bid Protest by Almon Equipment Ltd. Regarding Procurement No. PRC002556 for the Supply and Delivery of Flexible Traffic Bollards

Recommendation

1. That the report dated March 29, 2021 from the Commissioner of Corporate Services and Chief Financial Officer titled "Formal Bid Protest by Almon Equipment Ltd. Regarding Procurement No. PRC002556 for the Supply and Delivery of Flexible Traffic Bollards" be received.
2. That Procurement No. PRC002556 proceed, with award of the contract to the lowest acceptable bidder.

Executive Summary

- A Request for Tender (RFT) was issued for the supply and delivery of 5,000 flexible traffic bollards required as part of the Active Transportation COVID-19 Recovery Framework project.
- The City's specifications for the bollards are consistent with the Ontario Provincial Standard Specification (OPSS).
- The RFT provided for review of alternate products.
- A bid was received from Almon Equipment Ltd. (Almon) for an alternate product, "DEFLEX 2020", which does not meet the City's specification and was rejected in accordance with City Policy No. 03-06-02 "Bid Irregularities – Publicly Advertised HVA".
- Almon requested approval of the DEFLEX product as an alternate. The DEFLEX product was found to be unacceptable.
- Almon is making a Formal Bid Protest in accordance with City Policy 03-06-08 - Bid Awards and Bid Protest to dispute the City's rejection of their bid and has requested that the City either accept their bid or cancel the procurement.

- Staff do not recommend changing the specification in favour of a product that is not similar in style to those identified by The Road Authority (TRA) in reference to OPSS 705.
- The type of bollard specified in the RFT meets the City's needs and we have an acceptable bidder who, as such, is entitled to the contract.

Background

5,000 Flexible Traffic Bollards are required as part of the Active Transportation COVID-19 Recovery Framework project.

A Request for Tender was posted on October 8, 2020. The RFT closed on November 17, 2020.

Five bidders responded and six bids were received as shown below:

Bidder	Bid Amount	Status	Product Bid
Elite Textile Trading LLC	\$120,250	Bid rejected – does not comply with specifications	Bidder could not provide manufacturer specification
Almon Equipment Ltd.	\$282,500	Bid rejected – does not comply with specifications	DEFLEX 2020 ,one piece construction, fixed base
Stinson Equipment Ltd. O/A Stinson Owl-Lite	\$357,250	Recommended for award, lowest acceptable bidder	Tuff Post, meets the RFT specifications
Develotech Inc.	\$402,500	Not recommended - price	Cyclo-Zone, 2 piece construction
Bolts Plus Inc. (Submission 1)	\$711,000	Not recommended - price	Tuff Post
Bolts Plus Inc. (Submission 2 – alternate product)	\$249,250	Bid rejected – does not comply with specifications	One piece construction, fixed base

The City's Specifications

Divisions determine specifications for procurements based on their business needs. The specifications for bollards were defined by the Transportation and Works, Infrastructure Planning and Engineering Services Division as part of the Active Transportation separated Bike Lanes project.

The City's specifications for the bollards are consistent with the corresponding Ontario Provincial Standard Specification (OPSS) published by the Ontario Provincial Standards for Roads and Public Works (OPS) organization, and managed by the Ministry of Transportation (MTO).

OPSS documents recommend standards for use by infrastructure owners in Ontario, including municipalities.

The OPSS 705 defines a bollard as “a tubular plastic marker installed vertically for the purpose of channelizing traffic or delineating roadside features in temporary or permanent applications. The tubular post is securely fixed to the ground surface by hinged (flexible) connection to a solid base. When impacted by a vehicle, the post has the ability to bend 90° from vertical and self-restore following impacts.”

Staff also consulted with The Road Authority (TRA), a public-private partnership developed by the Ontario Good Roads Association which offers a web portal and database exhibiting products and services available for use in public works infrastructure and identifies products that are in-line with Ontario Provincial Standards, including OPSS 705. Of the list of compatible products, the majority are comprised of a post, base, and hinge combination. TRA identified three compatible products that would bend at the flexible plastic post. All identified flexible plastic posts (with the exception of one) have a base unit that is separate from the post, allowing for ease of replacement. The exception, Pexco City Post EAC, is produced as a single continuous piece. It is a unique product as the post is embedded directly into the ground and therefore has no base.

Staff consider that the two piece construction and separate base is the most efficient and cost effective option in terms of maintenance requirements. A separate base ensures that damaged products can be replaced without requiring the removal of the entire unit.

Additionally, the City's specifications were developed to maintain consistency and uniformity with existing City bollards. Maintenance staff are experienced in the installation and replacement of products compatible with the specifications. Consistency in form and bolt pattern allow for interchangeability between all City bollards.

Present Status

The procurement process is currently on hold, pending resolution of Almon's bid protest.

Comments

Almon is concerned that it did not have an opportunity to submit an alternate product for pre-approval. On November 11, 2020, prior to bid closing, Almon submitted the following request:

“As per Item 2.4 of the TENDER SPECIFICATIONS (Page 14 of 14), we are requesting the DEFLEX a substitute product. Please review and let us know the results. https://traficinnovation-my.sharepoint.com/:v:/g/personal/v_amatuzio_trafic-innovation_com/EeyGwVW-NZxKrrnqN-kOoUUB4I4T_ec7n5W-FXeXPGkP6g?e=ZVCv0A.” I was not sure how to attach the specifications of the products, so just send the above link.”

Due to a misunderstanding of the request, Almon was advised as follows:

“You can upload all specifications when you get to Step 3 – Documents. Do not send me any specs prior to tender closing.”

Almon proceeded to bid the DEFLEX product as an alternate. The bid was reviewed and it was confirmed that the product does not meet the specifications. The bid was rejected on January 18, 2021. Almon was provided with the standard notice period of three business days to raise concerns or questions.

Almon wrote to the City on January 20, 2021, advising of their concerns following which staff conducted a detailed review of the DEFLEX product to determine its acceptability as an alternate product. Staff determined that the DEFLEX product does not meet the City’s needs. Almon was notified on March 8, 2021.

Almon continues to assert that their product is priced lower, and, in their opinion, is superior. There are numerous bollards of various qualities available in the market. Staff assert that the specified product is appropriate for the City’s needs, which are consistent with the Ontario Provincial Standard Specifications (OPSS).

Almon has requested that the City either reconsider and accept their bid or cancel the tender and reissue the call allowing for alternate specifications.

The bid submitted by Almon is non-compliant and is unacceptable to the City. We would not have changed our specifications at any time in favour of a product that is not similar in style to those identified by TRA in reference to OPSS 705. Accordingly, there is no basis for cancelling the current procurement and we cannot accept Almon’s bid.

Staff have responded to Almon’s concerns, please see sequence of events and copies of correspondences, attached as Appendix 1 to this report.

Financial Impact

There is no financial impact resulting from the recommendation in this report.

Conclusion

5,000 Flexible Traffic Bollards are required as part of the Active Transportation COVID-19 Recovery Framework project. A bid was received from Almon Equipment Ltd. (Almon) for an alternate product, “DEFLEX 2020”, which does not meet the City’s specification and was rejected in accordance with City Policy No. 03-06-02 “Bid Irregularities – Publicly Advertised HVA”.

Almon’s request for approval of the DEFLEX product as an alternate was not considered prior to bid closing, however, staff subsequently conducted a detailed review of the DEFLEX product and it was found to be unacceptable. Had the review been conducted earlier, the outcome would have been the same.

Almon is making a Formal Bid Protest in accordance with City Policy 03-06-08 - Bid Awards and Bid Protest to dispute the City's rejection of their bid and has requested that the City either accept their bid or cancel the procurement.

The Almon bid is non-compliant and not capable of acceptance.

The type of bollard specified in the Request for Tender meets the City's needs and we have an acceptable bidder who, as such, is entitled to the contract. Staff do not recommend changing the specifications in favour of a product that is not similar in style to those identified by The Road Authority (TRA) in reference to OPSS 705.

Attachments

Appendix1: Sequence of Events and Correspondences



Gary Kent, CPA, CGA, ICD.D, Commissioner of Corporate Services and Chief Financial Officer

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