

City of Mississauga
Corporate Report



<p>Date: June 30, 2022</p> <p>To: Mayor and Members of Council</p>	<p>Originator's files:</p>
<p>From: Shari Lichterman, CPA, CMA, Commissioner of Corporate Services and Chief Financial Officer</p>	<p>Meeting date: July 6, 2022</p>

Subject

Formal Bid Protest by Phin-SUP Regarding Procurement No. PRC003476 for Non-Motorized Water Sports Provider for Lakefront Promenade Park.

Recommendation

That Procurement No. PRC003476 proceed, with award of the contract to the highest ranked best value bidder, as outlined in the report dated June 30, 2022 from the Commissioner of Corporate Services and Chief Financial Officer titled "Formal Bid Protest by Phin-SUP Regarding Procurement No. PRC003476 for Non-Motorized Water Sports Provider for Lakefront Promenade Park"

Executive Summary

- A Request for Proposal (RFP) was issued for Non-Motorized Water Sports Provider for Lakefront Promenade Park.
- The purpose of the RFP was to select an experienced and qualified service provider to supply, operate and manage their non-motorized recreational watercraft, rental services, and lessons on a designated section of the waterfront. Types of recreational activities or rental services may include, but are not limited to paddleboards, canoes, and kayaks. The successful bidder would be required to enter into a Licence Agreement with the City in order to operate their business for one season, from June to September 2022.
- The RFP outlined the City's requirements and evaluation criteria that Bidders would be evaluated on, which included First Aid training, appropriate certification, and at least three years of experience.
- A bid was received from Phin-SUP and evaluated in accordance with the RFP requirements. Their bid lacked the minimum 3 years of operating a rental business in non-motorized water activities and safety training.
- Phin-SUP is making a Formal Bid Protest in accordance with City Policy 03-06-08 - Bid Awards and Bid Protest to dispute the City's RFP process and evaluation.

- Staff do not recommend changing the RFP process or evaluation, as the procurement process was conducted in a fair, open and competitive manner. Bids were evaluated based on the information provided by the bidders at the time of bid submission and in accordance with the evaluation criteria. The award for this contract should proceed to the highest ranked best value bidder.

Background

The City is looking to license space at the Lakefront Promenade Park to a service provider that will supply, operate and manage non-motorized recreational watercraft rental services and lessons for one season, from June to September 2022.

For 2021, the City did not issue a Request for Proposals (RFP) but rather entered into a direct contract with one service provider to provide such services. Because this is a license agreement, the City is not obligated to issue a competitive procurement process. However, for 2022, and in the interest of opening the space and process to all interested and qualified businesses, the City elected to issue a RFP.

A RFP was posted on May 17, 2022. The RFP closed on June 3, 2022.

Two bids were received as shown below:

Bidder
Phin-SUP
Paddle On Inc.

The RFP's Evaluation Criteria

The RFP included but was not limited to the following evaluation criteria:

- Current Standard First Aid for all staff working
- Certification in non-water sports service if applicable, i.e. ORCKA (Ontario Recreational Canoeing and Kayaking Association)
- Minimum 3 years of operating a rental business in non-motorized water activities
- Team experience
- Proposal on how the services would be undertaken, including a business plan and safety plan
- Sustainability Leadership Questionnaire

In addition, bidders were required to submit three (3) references for which similar services have been successfully performed within approximately the last 3 years.

Present Status

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

Comments

The City is required to evaluate bids based on the evaluation criteria included in the RFP and using the information submitted by bidders at the time of bid submission. Corrections or the addition of new information afterwards is not permitted.

When issuing RFPs, the City's practice is to require a certain minimum amount of experience, typically 3 years. The reason for such minimum is to ensure that service providers, or in this case, licensees, have a track record in the business they operate. This RFP required a minimum 3 years of operating a rental business in non-motorized water activities, plus references. Business with the City of Mississauga specifically was not required.

Phin-SUP did not meet the minimum requirement. The bid showed the company was not founded until 2021 and therefore, did not have the required 3 years' experience as an official business. The references provided were not contract-based.

The RFP required the submission of a safety plan. Phin-SUP's bid was very brief in this regard and did not give examples of on water support training or emergency response. There was no inclement weather procedure included in the bid. While Phin-SUP provided more information during their debrief with the City, the City could not increase their score as the information was not provided in the bid at the time of bid submission.

As well, there were inconsistencies in the bid with respect to Phin-SUP's personnel, and the requirement that all staff have current Standard First Aid training was not met.

Phin-SUP has requested names of the members of the Evaluation Team as well as full disclosure of the successful bidder's bid. Such disclosure is not a common practice at the City, in part because it may involve confidential information. The City advised Phin-SUP that they could request this information through the Legislative Services Division Access and Privacy section upon completion of the procurement process.

Prior to this Formal Bid Protest, the City engaged in detailed discussions and correspondence to explain the evaluation process to Phin-SUP. As some of the correspondence may contain confidential or sensitive information, it has not been included with this corporate report.

Financial Impact

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

Conclusion

Phin-SUP alleges that the City's RFP process was conducted unfairly. City staff disagrees with that allegation. The City conducted a fair, open and competitive process where the evaluation was based on the information that was described in the RFP. Bids are evaluated on the information submitted at the time of bid submission. Corrections or the addition of new information afterwards is not permitted.

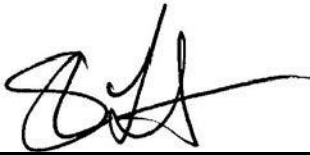
Phin-SUP is making a Formal Bid Protest in accordance with City Policy 03-06-08 - Bid Awards and Bid Protest to dispute the City's RFP process.

Phin-SUP was not the overall highest ranked best value bid.

Paddle On Inc. submitted the bid which received the highest score and, as such, is entitled to the Contract.

Attachments

Not Applicable



Shari Lichterman, CPA, CMA, Commissioner of Corporate Services and Chief Financial Officer

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