

# City of Mississauga Corporate Report



Date: December 9, 2024  To: Chair and Members of General Committee	Originator's files:
From: Raj Sheth, P.Eng, Commissioner of Corporate Services	Meeting date: January 8, 2025

## Subject

**Amendment to Policy 03-06-08 Bid Awards and Bid Protests**

## Recommendation

That Policy 03-06-08 be amended in accordance with the report from the Commissioner of Corporate Services, dated December 9, 2024, entitled "Amendment to Policy 03-06-08 Bid Awards and Bid Protests".

## Executive Summary

- Procurement Services and Legal Services have developed an amendment to Policy 03-06-08 Bid Awards and Bid Protests in consultation with the Leadership Team.
- The Leadership Team endorsed the amended policy on October 17, 2024. Upon Council approval, the Policy will take effect immediately.
- Staff recommend enacting a Procurement Review Panel, comprised of the Chief Procurement Officer, Director of Finance and the Director responsible for the applicable procurement, to address all formal bid disputes arising out of a procurement process. Currently, Council addresses all formal bid disputes.

## Background

The City's policy for addressing bid awards and bid protests was implemented in 2011 and has had several updates since its implementation related to regular housekeeping and scheduled reviews. The current policy, as written, does not include best practices related to addressing formal bid disputes. Procurement Services and Legal Services reviewed the current policy with the objective of updating and aligning it with best practice, while maintaining the integrity of the public procurement process.

## Comments

In 2005, the City of Toronto underwent a judicial inquiry related to Toronto Computer Leasing and External Contracts ("Bellamy Report"). As a result of the inquiry, several recommendations

were presented related to public procurement that set a new standard of best practices for all public sector organizations.

In 2020, the Town of Collingwood underwent a similar judicial inquiry related to Transparency and the Public Trust. The recommendations from this review echoed those from the Bellamy Report.

Like all its peer municipalities, the City has implemented policies and procedures that align with procurement best practices. Staff have identified a gap in Policy 03-06-08 Bid Awards and Bid Protests that requires amending to align with best practice and the recommendations from the judicial inquiries.

Both inquiries presented the same recommendations when it came to Council involvement in procurement processes.

The Bellamy Report outlined in recommendation 130 and 131 that: *Councillors should separate themselves from the procurement process....” and “Members of Council should not see any documents or receive any information related to a particular procurement while the procurement process is ongoing”.*

Collingwood’s inquiry outlined in recommendation 163 and 164 that: *“Council members must remain at arm’s length from staff and suppliers in the procurement process. Elected officials should be prohibited from involvement in the selection of the procurement process, evaluation of the bids, or selection of the successful supplier” and “Council members should not receive or review any information or documents related to a particular procurement during the procurement process”.*

Staff conducted benchmarking and found that peers, such as York Region, Brampton and Hamilton, take the same approach to the recommendations outlined in this report, which all align with the recommendations from the judicial inquiries.

As a result, staff are recommending that a Procurement Review Panel be established, consisting of the Chief Procurement Officer, Director of Finance and the Director responsible for the applicable procurement, that will be responsible for reviewing and making determinations related to formal bid disputes. By establishing an impartial Review Panel, independent from the procurement process, staff believe this will ensure transparency and fairness in the bid protest determination. The recommended process will permit bidders to submit written documentation and personally present to the Procurement Review Panel any information related to their formal bid dispute. Similarly to how Council currently handles bid protests, the Procurement Review Panel will review all the information and make a determination based on established procurement guidelines. This established process will ensure that Council remains at arms length in accordance with best practices, while at the same time safeguarding the integrity of the procurement process.

The amendment to the policy does not prevent a bidder from contacting the Office of the City Clerk to make a formal deputation to Council after the Review Panel renders their decision. This option is not intended to override the Panel's decision, ensuring that the procurement outcome remains unaffected, and the integrity of the process is preserved.

In addition to the above amendment, staff recommend other minor revisions to the policy, including revised definitions and edits for clarification.

The amended policy can be found in Appendix 1.

## Financial Impact

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

## Conclusion

Procurement Services and Legal Services have developed an amendment to Policy 03-06-08 Bid Awards and Bid Protests in consultation with the Leadership Team.

The Leadership Team endorsed the amended Policy on October 17, 2024. Upon Council approval, the Policy will take effect immediately.

The amended Policy 03-06-08 Bid Awards and Bid Protests is found in Appendix 1.

## Attachments

Appendix 1: Policy 03-06-08 Bid Awards and Bid Protests - New

Appendix 2: Policy 03-06-08 Bid Awards and Bid Protests - Old



---

Raj Sheth, P.Eng, Commissioner of Corporate Services

Prepared by: Victoria Mirlocca, Manager, Procurement Services, Corporate Business Services