



Standard Operating Procedure

Procedure Name	Procedure Number	Related Policy
Vendor Bid Dispute	ADM-01-103	CPM-01-03 Procurement Policy
Responsible Department	Version Date	Review Date
Corporate Procurement	May 22, 2018	January 2, 2021

Purpose

The purpose of this procedure is to:

- outline the dispute resolution process as it relates to competitive procurement processes;
- to ensure that any dispute is handled in an ethical, fair, responsible, and timely fashion; and
- comply with bid protest or dispute resolution procedure set out in the applicable trade agreements.

Scope

All bid disputes received by NPC must comply with this procedure.

Definitions

“Complaint” means a formal dispute made in writing of a decision made in a competitive procurement process.

“Complainant” means a person or organization that has filed a Complaint.

All other capitalized terms in this procedure have their meanings defined in the “Definitions and Acronyms” section of the Procurement Policy CPM-01-03.

Procedure

The following procedure supports section 9.15 “Bid Dispute Process” of NPC’s Procurement Policy CPM-01-03.



Bid Dispute Process

The process by which a vendor may dispute a decision made in a competitive procurement process is outlined below.

A vendor has the opportunity to raise his/her concerns through the question and answer period of the procurement process and through a vendor debriefing after the contract award.

Before filing a Complaint and within 60 calendar days following the date of the Contract award, a vendor must make a request for a vendor debriefing session which must take place within the allotted time period.

If a vendor is not satisfied with the result of the debriefing session he/she may file a Complaint as set out below.

In an email addressed to the Director of Procurement, via procurement@niagaraparks.com, provide a detailed description of the Complaint with relevant background information.

The Director of Corporate Procurement will respond to the Complainant, by email (via procurement@niagaraparks.com), within five business days of receiving a Complaint to:

- a) confirm NPC's receipt of the Complaint;
- b) provide the Complainant with the rationale for the decision that is the subject of the Complaint;
- c) provide the Complainant with a copy of this procedure (unless NPC has previously made a copy available to the Complainant); and
- d) advise the Complainant that should he/she be dissatisfied with the rationale for the decision that is the subject of the Complaint, he/she may continue to pursue the Complaint in accordance with this procedure.

The Complainant may continue to pursue the Complaint by providing a written statement to the Senior Director of Corporate Services, delivered by email to procurement@niagaraparks.com which sets out the following information:

- a) the name and address of the Complainant;
- b) identification of the competitive procurement at issue;
- c) identification of the specific provision of the procurement document and/or procedure that is alleged to have been breached, and the manner in which it was breached;
- d) a precise statement of relevant facts;
- e) the Complainant's arguments and supporting documentation; and

- f) the Complainant's requested remedy.

Note: If the Complainant provided all of the above information in writing as part of his/her initial Complaint to the Director of Corporate Procurement, then the Complainant may continue to pursue the original Complaint to the Senior Director of Corporate Services.

The Senior Director of Corporate Services will respond to the Complainant, by email (via procurement@niagaraparks.com), within five business days of receiving the written Complaint to confirm receipt of the Complaint.

The Senior Director of Corporate Services will review the Complaint and conduct a fact-finding process to attempt to confirm the allegations made in the Complaint. This may require further communications with the Complainant and others as determined by the Senior Director of Corporate Services.

In carrying out the above process or in connection with any final determinations regarding the resolution of the Complaint, the Senior Director of Corporate Services will involve any NPC staff as may be required and may seek legal advice.

The Senior Director of Corporate Services will provide the results of the review to the Chief Executive Officer for his/her approval.

The Chief Executive Officer will consult with any person as may be necessary to make a final determination regarding the resolution of the Complaint from the Senior Director. Within 15 business days of the confirmation of the Complaint issued by the Senior Director of Corporate Services, the Chief Executive Officer will send to the Complainant via email a final written response describing the resolution and the rationale.

Exceptions

Notwithstanding the above:

- a) NPC may require the Complainant to participate in a debriefing prior to responding to a Complaint under this procedure if the Complaint is raised on or after the date of the notice of contract award; and
- b) NPC is not required to respond to a Complaint under this procedure if it is raised later than 60 days following the conclusion of the procurement process that is the subject of the Complaint (measured from the date of the notice of contract award or the date of the Complainant's debriefing (if any), whichever is later).



Roles and Responsibilities

Complainant

To submit a bid dispute, Complainant must:

- review NPC's Corporate/Procurement/Vendor webpage for the process;
- attach a detailed description of the bid dispute; and
- provide any additional relevant background information.

All documentation must be addressed to the attention of the Director of Corporate Procurement.

NPC

Once a Complaint has been received, the Director of Corporate Procurement, will initiate a review of the matter and will consult with legal counsel where appropriate.

The Director of Corporate Procurement is to complete his/her review as soon as reasonably possible, but generally within 30 days. The Director of Corporate Procurement will then prepare a written decision regarding the matter and will send a copy of that decision to the Complainant.

Record of Changes

Version No.	Date	Section/Content Changed	Change Made / Reason for Change	Change By
1	May 22, 2018	Entire Document	New Procedure	Dave Dessureault

Authorization

Originally Signed by _____

Name: Margaret Neubauer
Title: Senior Director, Corporate Services
Date: June 22, 2018