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School Transportation Services Procurement Guideline

This is a draft of the Procurement Guideline for the acquisition of School Transportation Services by School Board Consortium in Ontario. This document is aligned with and supplements the *RFP Template* and the *Contract Template* produced by PPI in June 2008

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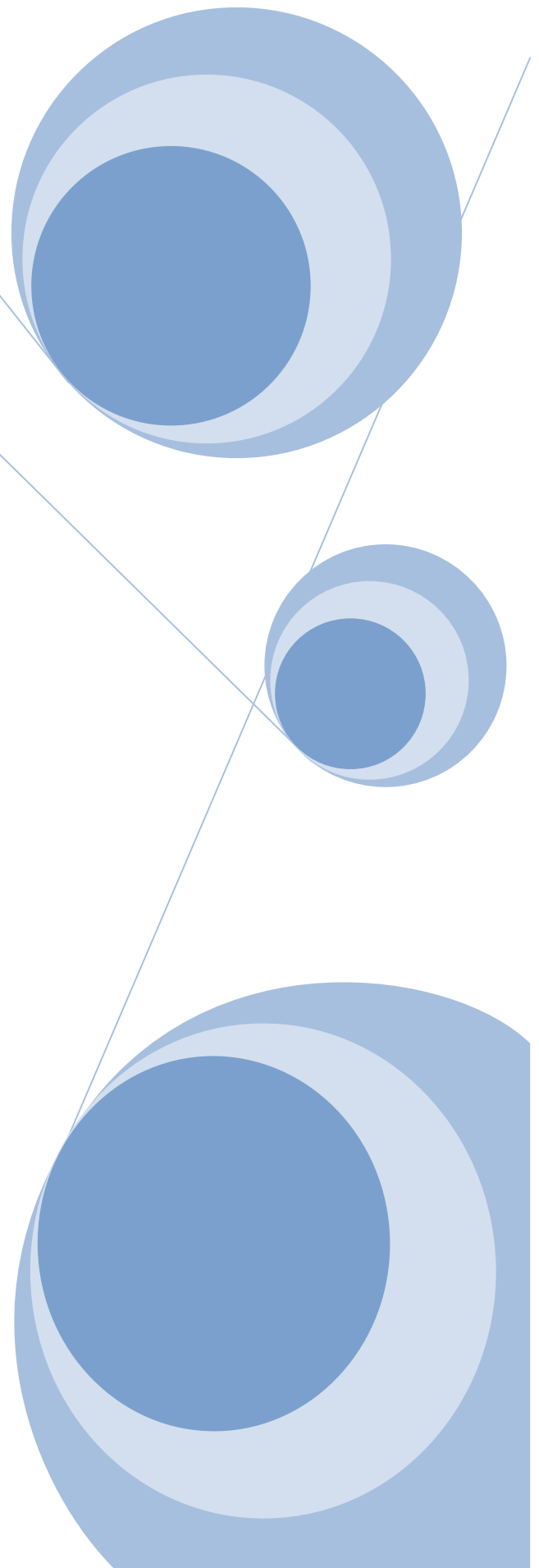


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SECTION 1: INTRODUCTION

The Purpose of the Procurement Guideline

The purpose of this Procurement Guideline is to provide guidance to each Consortium in determining the nature of the process it will follow to award a contract for the provision of School Transportation Services. This guide is designed to supplement the *RFP Template* and the *Contract Template*. Reading through the *RFP Template* prior to using this Procurement Guideline will provide the reader with an understanding of the procurement process, the rights and obligations of the Consortium during the procurement process, etc.

The information in this guideline is presented as a series of questions and answers grouped by the key activities in the procurement process which include:

- Determine the appropriate procurement approach and process; and
- Develop a procurement schedule that sets out target dates for key procurement activities based on the date by which the contract must be awarded and allowing a minimum of 8 – 10 months in the case of a competitive process.

The Intended Audience:

This procurement guideline is intended for use by School Board Officials. However, recognizing that this audience may not be familiar with or experienced in public sector procurement, it may be helpful to contact the applicable Purchasing Department to solicit their advice and support.

SECTION 2: PUBLIC SECTOR PROCUREMENT PRINCIPLES

For any organization, contracting services to outside suppliers requires clear policies and processes to ensure that:

- Value for money is obtained;
- The supplier or suppliers selected are capable of delivering the required services at an acceptable cost;
- The process is transparent and accountable and ensures that the competition for contracts attracts suppliers who are themselves assured that they have a fair and open opportunity to compete. This will attract potential suppliers and should provide the best value. Accountability and transparency ensure that no extra costs are added into the process and nothing is gained through special relationships that divert some of that value to entities other than the one(s) providing the services; and
- At a minimum, the process follows the applicable Board policies and as appropriate, the Ontario Government procurement directives.

Fair and open competitive processes have simple clear benchmarks with which to assess whether or not they provide the above benefits to both buyers and suppliers:

1. They must, as Ontario government purchasing policy states, “provide the most value for money” to the Board and Consortia. This protects the best interests of the Board and Consortia, and as such, government and taxpayers.
2. The purchasing processes must be transparent and accountable to ensure fairness and assure all potential competitors that they have a level playing field in which to invest their time and resources while attempting to win business from the Boards and Consortia. This protects the best interests of the suppliers and potential suppliers to the Board and Consortia.

Value for Money

The core principle of public sector procurement is *value for money*. In the context of the procurement process, obtaining value for money means selection of the proposal which presents the optimum combination of life cycle costs and benefits which meets the stated requirements.

Value for money should not be equated with lowest price. Value for money is achieved through an integrated assessment of qualitative factors (rated criteria related to factors such as capability, reliability, quality, experience and past performance, etc.) and pricing factors.

To ensure value for money is achieved, a process of soliciting competitive offers (i.e., proposals) is undertaken in a manner which:

- Maximizes an open and meaningful competition e.g. ensuring that there is a reasonable pool of potential Proponents who can compete on a fair, equal and transparent basis, there are no restrictions placed on the competitive process that would limit the pool of potential Proponents,
- Minimizes the complexity of the procurement process i.e. the requirements are clearly and succinctly stated, the process is clearly stated and unambiguous, the evaluation criteria are clear, reasonable and relevant to the requirements, and the selection process is straightforward and clear,
- Ensures an impartial evaluation and election of the proposal which best meets the stated requirements.

Fairness, Integrity and Transparency

As competition is the basis for efficient, impartial and transparent procurement, the integrity of the process must be established and maintained:

- The process must be *open* i.e. all information about the procurement requirements and process must be fully disclosed to all potential Proponents e.g. there is timely and adequate notification of the opportunity enabling potential Proponents to prepare and submit quality proposals.
- The process must be *fair* to all potential Proponents i.e. the stated requirements and the process must be free of favouritism and bias e.g. there are no restrictions or limitations in the procurement that would have the effect of discriminating against potential Proponents and discouraging/limiting competition.
- The process must be *transparent* i.e. all information about the procurement requirements and process must be fully disclosed to all potential Proponents, there must be complete and accurate records of all decisions and results, there must be evidence of accountability and confidentiality.

Conflicts of Interest

The standard of conduct for all staff/personnel involved in a procurement must ensure the integrity and objectivity of the entire process and safeguard against *conflicts of interest* which may compromise or be seen to compromise the integrity and objectivity of the process and the outcome:

- Staff must not allow potential Proponent access to information about the procurement before that information is publicly available. The existing Contractors will have more knowledge about the Consortium and its school transportation service requirements, etc. and therefore it is incumbent on the Consortium to make every effort to inform all potential Proponents about its requirements.
- Staff having a financial interest in any of the Proponents that have submitted a proposal in response to the procurement process are prohibited from any involvement in the procurement process.
- Staff having personal or professional interests with direct or indirect influence in any of the Proponents that have submitted a proposal in response to the procurement process are prohibited from any involvement in the procurement process.
- Staff must keep all information confidential.
- Staff may not disclose proprietary information about potential Proponents directly or indirectly to any individual other than those authorized to receive it.
- Suppliers, contractors and consultants that participated in the preparation of the procurement documents may be excluded from submitting a proposal in response to the procurement in order to prevent conflicts of interest.
- Any staff in a conflict of interest (real, potential) should immediately notify the individual managing the procurement process.

SECTION 3: DEFINITIONS

Terms	Definitions
Addendum or Addenda	A document prepared and issued by the Consortium, during the Bid Open Period, that informs potential Proponents about updates, changes to any aspect of the procurement or provides responses to questions submitted by potential Proponents.
Bid Open Period	The period of time between the issuance of the RFP and the Submission Deadline (identified in Section 2.10 of the <i>RFP Template</i>), during which Proponents will prepare their response (i.e. Proposal) to the RFP.
Consortium	A legal entity that comprises School Boards formed to administer school transportation services for member school boards.
Contractor	The Proponent selected and contracted to provide school transportation services.
Geographic Area	A geographic area means an area that comprises routes and runs.
Operator	A supplier of school transportation services
Proponent	A person or entity that responds to a competitive process.
Preferred Proponent	The Proponent that has received the highest total score as a result of the evaluation and selection process set out in the RFP. A Preferred Proponent will be required to sign the contract and return it to the Consortium. Refer to Section 4.2.4 of the <i>RFP Template</i> .
Proposal	A written response submitted by a Proponent in response to a Request for Proposal (RFP).
Supplier	A single entity or group of entities that provide the type of services to be acquired.

SECTION 4: PROCUREMENT APPROACH AND PROCESS

When starting on a process to contract for transportation services, the Consortia should assume that a competitive process will be required services using the *RFP Template* as the invitation document.

Although it is recognized that there may be situations where local market conditions might not support a meaningful competition and therefore a non-competitive process may be contemplated, the final decision must be made and justified based on an objective analysis of the local market conditions. An analysis of the local market conditions should consider a number of factors relative to a Consortium's requirements including:

- What is the scope and nature of the school transportation requirements over the next several years (e.g. 5 years)?
- What is the required number of Operators to satisfy the scope of the required services?
- Is there a sufficient number of suppliers (i.e. Operators) available in the market place to participate and ensure a meaningful competition?

There are essentially two (2) approaches to entering into a contract with a supplier:

- A **competitive** approach, typically initiated with the issuance of a Request for Proposal (RFP) and ending with the selection of the proposal(s) that offers the most value to the Consortium as determined by the evaluation and selection process, and
- A **non-competitive** approach, referred to as single sourcing contract award.

The approaches are described in sub-sections 4.1 and 4.2. Based upon the Consortium's requirements, local market conditions, etc. it is possible that the Consortium may decide to employ a combination of non-competitive and competitive approaches. For example, the situation in one geographic area may not warrant a competitive process based upon an analysis of the factors identified above where as the requirements and situation in another geographic area may confirm that the most value will best be achieved through a competitive process. The Consortium must ensure that all procurements for transportation services are undertaken in accordance with Board or Consortium procurement policies.

4.1 Competitive Approach:

A Request for Proposal (RFP) is the invitation document that is used to invite open competition.

Interested and capable suppliers will prepare and submit proposals in response to the RFP and a contract is awarded to the successful Proponent based upon the evaluation and selection process set out in the RFP.

An *RFP Template* is available to the School Boards and provides the base document to which the Consortium of School Boards will provide additions and amendments to reflect their specific school transportation requirements and procurement process.

4.2 Non-competitive Approach:

In a non-competitive approach, a contract is awarded without competition based on an analysis of "local market conditions". This non-competitive approach is typically referred to as to as a single source contract award. The actual award of a contract (using the Model Contract) will follow from a negotiation process with the Supplier to ensure value for money will be achieved.

In this case, “local market conditions” are defined as circumstances that would reasonably preclude a Consortium from achieving the most value for money if the Consortium undertook a by competitive process. Reasonable conditions may include the following types of circumstances:

- There is only one Supplier or group of Suppliers, coming together at the request of the School Board or Consortium, to provide services in the identified geographic area(s) to be served.
- Evidence that there is little or no interest in the market place to compete and therefore a meaningful competition will not occur.
- The geographic area to be served is of a size that the cost and effort to compete the requirement and award a contract would be greater than the value of the services to be provided.
- An unforeseen situation of urgency arises and there is not sufficient time to undertake a competitive process e.g. a bus is required during the school year.

When the decision is made to follow a non-competitive approach and award a Single source contract, the justification for this decision must be documented. Appendix “A” provides a sample of the format often used to provide this justification. This template also offers some of the possible and reasonable conditions which may lead to the award of a Single source contract.

Questions and Answers pertaining to deciding which procurement approach to follow:

Question	Answer
How soon do we need to decide what procurement approach to take?	<p>The decision about which procurement approach to take should be made at least 8 - 10 months prior to the expiry of the current Contract.</p> <p>A procurement is typically a lengthy process comprised of a number of decisions to be made and a number of activities to be undertaken that take time to plan and execute. Allowing adequate time, regardless of the approach taken, will contribute to a successful procurement outcome.</p>
How do we proceed if we are undertaking a competitive process?	<p>Follow the activities described in Sections 5 through 11 of this document starting with the preparation of a procurement plan/checklist as described in Section 5.</p> <p>Many of the decisions that will be required and the information that will be needed to create the RFP are highlighted in the annotated <i>RFP Template</i> document.</p>
How do we decide if we are undertaking a non-competitive process?	<p>A Consortium will undertake a non-competitive process when it believes that a meaningful competition cannot be undertaken due to local market conditions but, value for money will be achieved despite a lack of competition.</p> <p>Although the <i>Justification for Single Source Contract Award Template</i> identifies some of the possible “local market conditions” that may warrant a non-competitive process, there may be other reasons relevant to the particular Consortium that would justify a Single source award. The reason(s) must be documented and approved by the appropriate Governance Committee before a contract can be awarded. Documenting the rationale will ensure that there is an auditable and defensible record supporting the decision and approval to award.</p>
How do we proceed if we are undertaking a non-competitive process?	<p>Appendix “A” provides a <i>Justification for Single Source Contract Award Template</i>:</p> <ul style="list-style-type: none"> • sets out some possible reasons to award a Single source contract, and

	<ul style="list-style-type: none">• identifies the additional information that should be documented to support the request for approval to proceed with a Single source contract award. <p>It is important to document the justification for awarding a Single source contract to provide an auditable and defensible record.</p> <p>Once approval has been obtained from the appropriate Governance Committee, the Consortium will proceed to amend the <i>Contract Template</i> as appropriate to reflect the specific details and the parties will execute (sign) the contract.</p>
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SECTION 5: PREPARING THE REQUEST FOR PROPOSAL (RFP)

An *RFP Template* has been provided for use by the Consortia when undertaking a competitive process. It provides a base document which will be modified as appropriate to reflect the Consortium's specific service requirements. The *RFP Template* is annotated to identify where the Consortium will amend the document for its particular procurement.

A *Contract Template* has also been prepared and is to be appended to the *RFP when it is issued*. It is important to append the contract to the RFP to ensure that all potential Proponents have a full understanding of their responsibilities and obligations if they are contracted for the provision of school transportation services. Their proposal together with the RFP and the contract will form the contract file providing a complete definition of services, associated terms and conditions and contractual obligations including performance standards.

A Request for Proposal (RFP) initiates a competitive process and invites potential suppliers to submit proposals to provide the required services, in this case to submit proposals for the provision of school transportation services in accordance with the requirements of the Consortium.

An RFP not only articulates the service requirements and the basis on which the successful Proponent will be evaluated selected but, it also guides the potential Proponents on how to prepare and submit their proposals.

Question	Answer
What exactly is an RFP?	<p>In general, an RFP facilitates a competitive process. The RFP document provides:</p> <ul style="list-style-type: none"> • a description of the required school transportation service requirements, • the criteria (mandatory and non-mandatory i.e. rated criteria) that will be used to evaluate the proposals submitted by the Proponents, • the basis upon which the proposals will be evaluated and the preferred Proponent selected, referred to as the evaluation and selection process, • the overall procurement process and timetable, • instructions to Proponents submitting a proposal including the responses to be provided, the format that their proposals should follow and the submission requirements, • requirement for performance security, • the procurement terms and conditions of the competitive process, • the contract terms and conditions in the form of the <i>Contract Template</i> appended to the RFP. <p>Refer to the <i>RFP Template</i>.</p>
Do I need to be a procurement specialist to undertake the procurement process and prepare the RFP?	<p>No, but the Purchasing Department for the Consortium should be directly involved to provide advice and support and to ensure that the procurement process respects local policies and practices.</p> <p>Some of the key considerations to preparing the RFP are from the business perspective i.e. how best to define the transportation service requirements, what the attributes of the ideal service provider might include. Defining the preferred attributes of the ideal supplier will help the Consortium to determine the qualifications that are important in a supplier and will serve as input to determining appropriate evaluation criteria.</p>

<p>When should the Consortium get started on the procurement process?</p>	<p>Undertaking a procurement is a lengthy process. It is recommended that the process start at least than 8 – 10 months prior to the expiry of the existing contract for services.</p> <p>Appendix “B” to this document provides a checklist of the key activities involved in undertaking a competitive process</p>
<p>What should the Consortium do first?</p>	<p>It is a good idea to start by preparing a high level plan that lays out the key activities and target dates by which the activities must be completed to enable the Consortium to issue its RFP well in advance of the expiry of the existing contract.</p> <p>Following the issuance of the RFP, the timelines for the procurement process will be guided by key dates set out in the RFP itself.</p> <p>Procurement processes take time to complete and it is reasonable to expect that 8 - 10 months will be required to complete the process and award the contract. Appendix “B” provides a checklist of the key activities to be undertaken during a competitive process up to the issuance of the RFP. This can also be used as a checklist to ensure that all the activities have been completed.</p> <p>The primary activity is the development of the Request for Proposal (RFP) using the <i>RFP Template</i> as the starting document. The primary amendments that the Consortium will make to the <i>RFP Template</i> will be the description of the transportation services that are required, the contract period, the evaluation criteria and possibly the points and weight allocated to each criterion. The <i>RFP Template</i> provides a “starter set” of evaluation criteria (mandatory and non-mandatory) considered to be generally applicable to all procurement s for transportation services.</p>
<p>How does the Consortium prepare an RFP?</p>	<p>An approved <i>RFP Template</i> is available for use by the Consortium.</p> <p>The <i>RFP Template</i> is annotated in a manner that highlights the information that the Consortium needs to include to:</p> <ul style="list-style-type: none"> • describe the overall procurement process, timelines, etc.(Refer to various applicable Sections of the <i>RFP Template</i>); • describe their requirements for school transportation services (refer to Section 3.1 of the <i>RFP Template</i>), • define the evaluation criteria – Mandatory Requirements and Rated (Scored) Requirements (refer to Sections 3.2 and 3.3 of the <i>RFP Template</i>), and • the evaluation process and methodology (refer to Section 4 of the <i>RFP Template</i>). <p>The <i>RFP Template</i> also provides the standard terms and conditions which will be the same for all or most of the procurements but, these standard clauses and provisions should be reviewed to ensure applicability to a specific procurement.</p>
<p>Does the Consortium require Proponents to provide a performance surety with their proposals?</p>	<p>Section 2.35 of the <i>RFP Template</i> provides for the Consortium, at its discretion, to require Proponents to submit a Performance Surety with their Proposal.</p> <p>At a minimum, a performance surety will enable the Consortium to assess the financial capability, viability of the Proponent.</p>

SECTION 6: ADVERTISING A *COMPETITIVE* PROCUREMENT

This section provides Questions and Answers pertaining to informing potential Proponents about a competitive procurement opportunity.

Question	Answer
<p>How do potential Proponents find out about this procurement (competitive) process?</p>	<p>There are a number of methods that can be used singly or in combination to inform the market place about a competitive process for school transportation services:</p> <ul style="list-style-type: none"> • on the Ontario Public Buyers website • on the School Boards' web sites • on Bidding-GO (the electronic tendering network) • in local newspapers and forward the RFP to suppliers who request a copy. • on MERX, the public sector electronic bidding system. • forward the RFP directly to suppliers that the Consortium would like to receive a proposal from. <p>Proponents registering with a web site will be able to receive a copy of the RFP through that avenue.</p> <p>Proponents identifying the opportunity as a result of the advertisement in a local newspaper will be required to contact the Consortium as directed in the advertisement to obtain a copy of the RFP. Upon contacting the Consortium they will be required to "register" with the Consortium and provide a contact name and the contact's coordinates. This will ensure that the Proponent receives all future information about the procurement opportunity during the Bid Open Period e.g. Addenda.</p>
<p>If potential Proponents are not familiar with procurement processes, is there a way that we can inform or educate them about the process e.g. do's and don'ts without explicitly telling them how to respond?</p>	<p>There are two key methods for potential Proponents to become informed or educated about the procurement process.</p> <p>1. <i>Voluntary Proponents' Meeting:</i></p> <p>It is a good idea to hold a <i>Proponents' Meeting</i> after the RFP has been released e.g. within 7 – 10 calendar days of release. (Refer to Section 7: Issuing / releasing the RFP.) This provides an important opportunity to "educate" potential Proponents about the Consortium's requirements and the competitive/procurement process including how to respond to the RFP. When scheduling a Voluntary Proponent's Meeting, the Consortium must ensure that adequate time is provided to cover the agenda.</p> <p>Typically Proponents who are interested in the opportunity will attend in person although this may not be possible and so it is helpful if Proponents can attend via teleconference.</p> <p>Refer to Section 8 for more information about the <i>Voluntary Proponents' Meeting</i>.</p> <p>2. <i>Proponents' Questions:</i></p> <p>Proponents may submit written questions to the individual (i.e. RFP Authority) named in Section 2.8 of the <i>RFP Template</i> and in accordance with the instructions set out in Section 2.8 which includes the date by which any questions must be submitted.</p> <p>Any questions submitted in any other manner e.g. verbally to the RFP</p>

	<p>Authority or other member of the Consortium will not be answered.</p> <p><u>NOTE:</u> It is essential that all Proponents receive the same information about the procurement opportunity. To ensure that all information is fairly disclosed to all Proponents, the responses to any and all questions submitted by Proponents must be provided to all potential Proponents.</p>
<p>Can Proponents submit questions at any time during a procurement process?</p>	<p>No, there are specific timeframes during which Proponents may ask questions:</p> <ul style="list-style-type: none">• Proponents may ask questions at the <i>Proponents' Meeting</i>.• Proponents may submit written questions during the Bid Open Period up to a specific date as highlighted in Section 2.8 of the <i>RFP Template</i> and in accordance with the defined procedure.

SECTION 7: ISSUING THE RFP

There are a number of methods that can be used singly or in combination to advertise the RFP as identified in Section 6 of this document:

- through the Ontario Public Buyers website,
- through the School Boards' web sites,
- through Bidding GO (the electronic tendering network),
- in local newspapers and forward the RFP to suppliers who request a copy,
- on MERX, the public sector electronic bidding system.

Question	Answer
How do we go about issuing the RFP?	It is recommended that the Purchasing Department undertake this activity on behalf of the Consortium.
How long should an RFP remain open so that interested Proponents have time to prepare and submit a proposal?	<p>It is recommended that the RFP remain open for 30 to 40 calendar days. This period of time is referred to as the "Bid Open Period".</p> <p>The length of the Bid Open Period can positively or negatively affect the quality of proposals. If the period is too short i.e. if less than 30 calendar days, potential Proponents may:</p> <ul style="list-style-type: none"> • choose not to submit a proposal on the basis that they do not have adequate time to prepare a proposal; or • prepare a proposal that may not adequately address the requirements impacting on the potential of a successful procurement outcome. <p>If potential Proponents feel that the Bid Open Period does not provide enough time to prepare a quality proposal, they may submit a question asking if the Consortium would consider an extension to the RFP i.e. change the Submission Deadline.</p>

SECTION 8: ACTIVITIES DURING THE BID OPEN PERIOD

This Section identifies the events that may occur during the Bid Open period including the preparation and conduct of a *Proponents' Meeting*; the receipt of questions submitted, in writing, by potential Proponents and the preparation of responses (refer to the questions and answers in Section 6); the preparation and issuance of Addenda to the RFP.

Question	Answer
What is a Proponents' Meeting?	<p>A <i>Proponents' Meeting</i>, conducted within a reasonably short time of release of the RFP, is conducted to inform potential Proponents about the opportunity and how to respond to an RFP. Generally, this meeting is held within 7 – 10 calendar days following the issuance of the RFP</p> <p>In advance of the <i>Proponents' Meeting</i> the Consortium will prepare presentation materials that:</p> <ul style="list-style-type: none"> • Outline the requirements of the RFP i.e. a details about the transportation services that are required; and • Outline how to respond to the RFP e.g. identifying key aspects of the response requirements such as identifying the mandatory response requirements and the critical importance of responding to each mandatory (including the potential impacts of the Proponent does not respond to them i.e.. the proposal might be deemed non-compliant and set aside receiving no further consideration), the rated requirements, how the proposals will be evaluated, the date, time and location to submit proposals (that any proposals received after the Submission Deadline will be returned to the Proponent(s) unopened), how many copies, that the financial proposal is to be submitted in a separate sealed envelope, etc. <p>Adequate time should be given to cover the meeting agenda. Since it is possible that many of the potential Proponents are not familiar with public sector procurements processes, extras time will be needed to ensure that they gain a good understanding about the process of responding to RFP's.</p> <p>Proponents attending the meeting (in person or via teleconference) may pose questions at the meeting. The Consortium may choose to respond at that time (particularly if it is an easy questions e.g. "What is the Submission Deadline?), or the Consortium may wish to "take the question under advisement" and respond in writing later. Regardless of whether questions are answered at the session, all questions and all responses are to be prepared in writing and made available to all potential Proponents whether they attended the meeting or not. An effective way to do this is to forward the questions and responses by e-mail or fax to each Proponent that has indicated an interest in the opportunity. The responses to any questions raised during the <i>Proponents' Meeting</i> can be combined with the responses to any questions raised during the Inquiries Period and made available at the same time.</p>
If a Proponent does not attend the <i>Proponents' Meeting</i> can they still submit a proposal?	Yes, attendance at the meeting should not be a condition of response to an RFP.
What if the Consortium wants to make a change to the procurement process e.g.	Any changes to the RFP must be made in the form of an Addendum and each Addendum must be available to all potential Proponents to ensure that each of them has access to the same information.

<p>amend the Submission Deadline or make a change to the Service requirements, etc. while the RFP is still open?</p>	<p>Similarly, all written responses to questions submitted by potential Proponents will be issued in the form of an Addendum. Addendum should be posted on the electronic bidding system(s) used to post the RFP and they should be sent to potential Proponents who provided their coordinates when they have contacted the Consortium to receive the RFP.</p>
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SECTION 9: RECEIVING THE PROPOSALS BY THE SUBMISSION DEADLINE

This Section identifies the activities associated with receiving the proposals.

In accordance with Section 5 of the *RFP Template*, a Proponent's proposal is to be submitted in two separate, sealed packages (referred to as the 2-envelope system):

- the Technical Proposal should be in a separate sealed envelope, and
- the Financial Proposal should be in a separate sealed envelope.

Both envelopes should then be combined into an overall proposal package and submitted at the location identified in Section 2.10 in the *RFP Template*.

Question	Answer
When the proposals are received, what do we do?	<p>The receiving process must be established and communicated as required prior to the Submission Deadline date specified in Section 2.10 of the <i>RFP Template</i>. Section 2.10 will also specify the location where proposals <i>must</i> be delivered and received.</p> <p>Immediately upon receipt of the proposal, it must be date and time stamped according to the tender clock at the location. This is essential to provide indisputable evidence that a proposal was (or was not) received on time.</p> <p>Instructions will be establish in advance of the Submission Deadline specifying what to do with Proposals upon receipt. Typically, proposals will be conveyed to secure room.</p>
What happens if a proposal is received after the Submission Deadline?	<p>It is the responsibility of the Proponents to ensure that their proposals are delivered and received by the Submission Deadline at the location specified in the RFP.</p> <p>If a proposal is received late i.e. after the stated Submission Deadline, even if only by seconds, the proposal <i>cannot</i> be considered. Any late proposal packages will be returned to the Proponent <i>unopened</i> as provided for in Section 2.10 of the <i>RFP Template</i>.</p>
What if the Technical Proposal and the Financial Proposal are not in separate envelopes?	<p>The required number of copies of the Technical Proposal and the required number of copies of the Financial Proposal may arrive in one proposal package. However, within this proposal package, it is mandatory that the Technical Proposal and the Financial be packaged in separate sealed envelopes. If they are not but they can be readily separated at that time, then an authorized individual may undertake to separate the Technical and the Financial Proposals before the evaluation process begins.</p> <p>NOTE: The team that evaluates the Technical Proposals should not be the same individuals that evaluate the Financial Proposals unless this situation cannot be avoided. In any event, the Financial Proposals should be set aside until after the evaluation of the Technical Proposals is fully completed. If a Technical Proposal is deemed non-compliant with any of the Mandatory Requirements then the associated Financial Proposal is not evaluated and will be returned to the Proponent <i>unopened</i> at the conclusion of the procurement process i.e. when a contract has been awarded to the Preferred Proponent.</p>

SECTION 10: THE PROPOSAL EVALUATION PROCESS

Evaluation is the process that ultimately decides the successful proposal(s).

All proposals received by the Submission Deadline will be evaluated in *strict* accordance with the process set out in the RFP Template, in the Section titled “The Evaluation Process and Methodology”.

Sub-section 10.1 - Evaluation of the Technical Proposals

Question	Answer
Who evaluates the Technical Proposals?	<p>A team will be established to evaluate the Technical Proposals. NOTE: The members of this technical team will not evaluate the Financial Proposals.</p> <p>There should be a minimum of <u>3</u> members on the Technical Evaluation Team and the membership should be comprised of people who:</p> <ul style="list-style-type: none"> • understand the Consortium’s requirements for school transportation services, • have a business interest in or responsibility for overseeing the provision of school transportation services by the Contractor. <p>One of the team members should be assigned the role of Team Lead. This individual will be the “go-to” person to support the evaluators and provide direction to them during the evaluation process. If it is necessary to seek clarification from any of the Proponents during the evaluation, the Team Lead would coordinate this activity with the Purchasing representative.</p> <p>The Team Lead should read the Technical Proposals but, typically this individual does not evaluate and score them.</p> <p>A representative from the Purchasing Department should be available to support the evaluation.</p> <p>It is important to ensure that none of the evaluators are in a conflict of interest. The Code of Conduct is the form that facilitates the declaration of a conflict of interest. If any member of the Evaluation Team is in a conflict of interest (potential or actual), they may be asked to step down and not participate in the evaluation. Appendix “C” provides a sample Code of Conduct form.</p>
What materials will the evaluation team have to support the evaluation process?	<p>An Evaluators’ Briefing will be undertaken in advance of the evaluation process to provide instructions to the evaluators and may include the following directions:</p> <ul style="list-style-type: none"> • Review the RFP to be familiar with the content, the requirements, the evaluation criteria, the evaluation process. • Keep the RFP handy as well as any Questions and Answers and Addenda that were posted during the Bid Open Period. • Read through each proposal once before you begin to evaluate them to gain an overall sense of how the proposal is structured and formatted, etc. • Confirm if the Technical Proposal is compliant with each of the Mandatory Requirements by assessing the responses against the Mandatory Requirements. If the evaluators have any questions during this stage of the evaluation process, they should contact the Evaluation Team Lead for direction.

Question	Answer
	<ul style="list-style-type: none"> • Report to the Evaluation Team Lead when you have completed assessing the responses to the Mandatory Requirements. Do not proceed to evaluate the responses to the Non-Mandatory Requirements until it has been confirmed that the Technical Proposals are compliant with the Mandatory Requirements. If a proposal is not compliant with the Mandatory Requirements, it will be set aside and receive no further consideration. A contract cannot be awarded to a non-compliant proposal. <p>A <i>Scoring Guidance</i> will be prepared in advance of the evaluation that provides the evaluators with guidance as to how to evaluate and score responses to the requirements set out in Sections 3.2 and 3.3 of the RFP.</p> <p>A <i>Code of Conduct</i> will be provided to each evaluator before they receive the proposals. The Code of Conduct sets out the evaluation rules including the need to for confidentiality and security of the proposal documents. As previously discussed, the Code of Conduct includes a Conflict of Interest Declaration which enables each member of the Evaluation Team to declare if they have a conflict of interest, real or potential. If any member of the Evaluation Team is in a conflict of interest, they may be asked to step down and not participate in the evaluation. Appendix “C” provides a sample Code of Conduct form.</p>
How do the evaluators evaluate the Technical Proposals?	<p>The evaluation will follow the process described at the Evaluators’ Briefing (which will align with the process set out in the RFP).</p> <p><u>RE: Evaluating responses to the Mandatory Requirements:</u></p> <p>Proposals will first be evaluated for compliance with the Mandatory Requirements set out in Section 3.2 of the RFP and following the process as described in Section 4.2.1 of the RFP and as further described in the Scoring Guidance. The evaluators will note, on a Score Sheet provided for the purpose, “compliant” or “non-compliant” for each response to the Mandatory Requirements as they deem appropriate. If an evaluator is concerned that a proposal is non-compliant with one or more of these requirements, then they should record their comments that support their concern and bring this to the attention of the Team Lead.</p> <p><u>RE: Evaluating and Scoring Responses to the Rated (Scored) Requirements:</u></p> <p>Only the proposals deemed to be compliant with the Mandatory Requirements will be moved to the next stage of the evaluation.</p> <p>The evaluators will follow the process set out in Section 4.2.2 of the RFP and as further provided for in the Scoring Guidance. The evaluators will review the Proposal response to each of the Rated (Scored) Requirements in accordance with the guidance provided in the Scoring Guidance. Based on the evaluator’s assessment of the response, they will then determine the score that the evaluator believes best reflects the quality of the response based upon the scoring guidance for that requirement and then record the score in the appropriate space on the score sheet provided for that purpose.</p> <p>It is important for the evaluator to record comments to support the score they have awarded to each Rated Requirement. This information will enable the evaluators to recall why they awarded the score (points) they did when the group meets to discuss and finalize the scores at the Consensus Scoring</p>

Question	Answer
	Session.
<p>What do we do if any of the Proponent’s responses to the RFP is not clear, is confusing or cannot be found?</p>	<p>If an evaluator cannot find a response to a particular criterion or if the response is unclear or incomplete, etc., then the evaluator must bring this “deficiency” to the attention of the Evaluation Team Lead. If it is determined that the Consortium should contact the Proponent, in writing, to seek clarification then this clarification will be sought by the Evaluation Team Lead in collaboration with the representative from the Purchasing Department. Written communication for the purpose of seeking clarification must be worded in a manner that ensures that the Proponent cannot provide any additional information but, only clarify that information which was previously submitted. For example, if there does not appear to be a response to a particular criterion, then the clarification will be worded such as: “Please tell us where in the proposal we will find a response to criterion X”. In this example, the Proponent can only respond to say where in the proposal they have responded to that criterion or to say that they did not provide a response. The Proponent cannot provide any additional information in response to the request for clarification. Within the context of public sector procurement, no additional information can be provided by a Proponent after the RFP Submission Deadline.</p>
<p>What happens when all of the evaluators have completed their individual evaluation of all proposal responses to the Rated (Scored) Requirements?</p>	<p>The Evaluation Team Lead will schedule the Consensus Scoring Session to be attended by each member of the Evaluation Team when they have completed their individual evaluations. The goal of the Consensus Scoring Session is to provide an opportunity for the evaluators to review and discuss as necessary their individual scores and agree to the final scores to be awarded to each proposal along with supporting comments.</p> <p>It is advisable to appoint a Chair for the Consensus Scoring Session who will facilitate the discussion and help the team arrive at final agreed scores. The Chair is ideally an individual knowledgeable about procurement practices and who has not participated in the Proposal evaluation effort and cannot therefore inadvertently direct the discussion. Assigning someone not involved in the evaluation will help to preserve the integrity of the process. Often a representative from the Purchasing Department is assigned to perform this role.</p> <p>The following procedure is typically followed at the session:</p> <ul style="list-style-type: none"> • All evaluators will gather in a room, with their materials – the RFP, the Proposals, and the Score Sheets for each Proposal. • For each Technical Proposal, the evaluators (in round table format) will call-out the score they awarded to each response to the rated Requirements. • Where evaluators have assigned the same score or similar scores i.e. there is a minor variance between individual evaluator scores, the final score will be readily agreed by the team through a brief facilitated discussion and noted in the final evaluation record for that Proposal. • Where the evaluators have recorded materially different individual scores for a particular Rated Requirement, a discussion will ensue to discuss the reasons for differing scores. The team will then go through a facilitated discussion with the objective of arriving at a score that all of them can agree is reflective of the quality of the response i.e. a final

Question	Answer
	<p><u>consensus score</u> for the Rated Requirement.</p> <ul style="list-style-type: none"> • The final consensus score for all of the Rated (Scored) Requirements for a proposal will be summed together to determine the final total score for the Proposal in accordance with the process set out in the RFP and in the Scoring Guidance. • The final consensus scores, along with documented comments supporting the scores, will be recorded in the final evaluation record for each Proposal. • Each evaluator will be required to sign and date the final evaluation record for each Technical Proposal to confirm that they agree with the final scores and the total score.
What about the Financial Proposals?	<p>The Financial Proposals are set aside in a secure location until the completion of the technical proposal evaluation (completion means the final scores are agreed and allocated at the Consensus Scoring Session.</p> <p>Section 10.2 below sets out the process to evaluate and score the Financial proposals.</p>
How do we determine the successful Proposal(s)?	<p>Section 10.3 below sets out the process to determine the final total score for each Proposal and identify the successful Proposal(s).</p> <p>This process will be consistent with the process described in Section 4.2.4 of the RFP.</p>

Sub-section 10.2 - Evaluation of the Financial Proposals

Evaluation and scoring of *compliant* Financial Proposals should ideally be undertaken by individuals that were not involved in the evaluation of the Technical proposals unless this situation cannot be avoided in accordance with the process set out in Section 4.2.3 of the RFP.

Sub-section 10.3 – Selection of the Successful i.e. Preferred Proponent(s)

The successful Proponent(s) will be determined based upon the process set out in Section 4.2.4 of the RFP taking into account the weights to be given to the Technical Score and the Financial Score to determine the overall final total score.

The Proponent with the highest total score at the end of the evaluation will be identified as the Preferred Proponent. The Preferred Proponent will be notified that they have been successful and asked to sign the final contract and return it to the Consortium.

However, immediately prior to informing the Preferred Proponent(s) that it/they have been successful, the Consortium should confirm if there is any aspect of the Proposal that should be clarified or confirmed either with the Preferred Proponent or with any of the references provided by the Proponent in response to the RFP. If the Consortium wants to confirm some aspects in this manner then the Consortium should do so at this time by either contacting the references provided or by contacting the Preferred Proponent to arrange a meeting. If these aspects are clarified or confirmed to the satisfaction of the Consortium then they will proceed to award the contract. If this clarification process confirms that the information provided by the Proponent in their proposal was misrepresented, the Consortium may choose to proceed to award the contract to the next ranked Proponent.

SECTION 11: CONTRACT AWARD

The contract is awarded to the Proponent with the highest total score as noted in Section 4.2.4 of the *RFP Template*.

The Preferred Proponent(s) will be informed that they have been successful and are required to enter into the final contract (which is prepared based upon the *Contract Template*).

The award of a contract to the Preferred Proponent should be a matter of taking the *Contract Template* that is appended to the Request for Proposal, amending it to incorporate the particulars of the procurement e.g. entering the names of the parties, the pertinent dates, etc. and then executing/signing it.

Upon execution of the contract, the complete contract file will be comprised of:

- The Request for Proposal including any questions and answers,
- The complete proposal of the preferred Proponent(s),
- The signed Contract document, and
- Any refinements/amendments resulting from the ‘clarification process’.

Question	Answer
Can a Consortium award multiple contracts as a result of a single procurement?	Yes. But, the RFP must clearly state that the Consortium reserves the right to award multiple contracts e.g. the Consortium reserves the right to award a contract to more than one Proponent. The requirement to award more than one contract would be made on the basis of geographic areas, assignment of routes to different operators, specific types of buses to different operators, etc. The basis of awarding multiple contracts from a single procurement should be stated in the RFP, i.e. this should not be an arbitrary decision.

SECTION 12: DEBRIEFING PROCESS

In the case of a competitive approach only, unsuccessful Proponents may be debriefed about the results of their evaluation.

However, a debriefing will not be conducted until the preferred Proponent(s) and the Consortium have entered into the contract. At that time, unsuccessful Proponents are notified in writing that they were unsuccessful and are offered a debriefing at their option to be conducted within a reasonable timeframe of the completion of the procurement process. No other details about their particular evaluation results are provided in the written notification.

A debriefing provides unsuccessful Proponents with an opportunity to understand the shortcomings of their proposal and to learn how they can improve the potential to be successful in a future procurement.

A debriefing is conducted in a professional manner and recognizes the time and effort that a Proponent has invested into the procurement process. A debriefing facilitates two-way communication between the Proponents and the Consortium thereby helping to foster good relationships with the market place.

Question	Answer
When is a debriefing conducted?	When a Proponent receives written notification that they were not selected as a preferred Proponent, they will be given the opportunity to contact the RFP Authority, as directed in the notification and schedule a debriefing. Although it is not mandatory that a Proponent attend a debriefing, it can be expected that they will take advantage of the invitations.
Who should be involved in a Debriefing?	A representative from the Consortium and the Purchasing Department should attend each Debriefing. The same representatives should attend all Debriefings conducted for a particular procurement. The Purchasing representative should conduct the Debriefing.
How and where are Debriefings held?	A Debriefing is normally held in a face-to-face meeting generally located in the Consortium office. However, it is acceptable to conduct a Debriefing via teleconference if this is more convenient to all parties.
How do we prepare for a Debriefing?	After receiving a request for a Debriefing, the Purchasing representative will notify the Consortium representative and arrange who will be attending as well as the date, time and location. The unsuccessful Proponent requesting the Debriefing will then be notified in writing of the scheduled meeting. The representative from the Consortium and from the applicable Purchasing Department should attend a pre-Debriefing meeting to review the results of the unsuccessful Proponent's proposal focused on the evaluation criteria and the Proponent's responses and evaluation results.
What information do we provide at the Debriefing and in what format?	The objective of the Debriefing is to be informative and helpful to the Proponent and to the outcome of the procurement process. The messages conveyed to the unsuccessful Proponent are supportive of this objective and may include: <ul style="list-style-type: none"> • General overview of the evaluation process, • Specific evaluation information which relates to the criteria used to evaluate the proposals

	<ul style="list-style-type: none">• Strengths and weaknesses of the Proponent's proposal in relation to the evaluation criteria and the Proponent's score,• Deficiencies in the Proponent's proposal in relation to the evaluation criteria,• The Proponent's total score and individual scores,• Areas where the Proponent could improve in future opportunities. <p>No information is to be communicated about any other Proponent's proposal or their results.</p> <p>An effective format to provide the information in is a PowerPoint presentation format.</p>
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SECTION 13: CONTRACT MANAGEMENT

Contract management is focuses on overseeing the delivery of services and managing the relationship between the Consortium and the Contractor.

Question	Answer
What is contract management?	Contract management is concerned with managing the relationship with the Contractor and the delivery of services as defined in the RFP and in accordance with the terms and conditions of the Contract.
What tools does the Contract Manager need access to?	<p>The Contract Manager must have access to the RFP, the Contractor's Proposal and the Contract. The Contract Manager should review these documents to become very familiar with the content, the terms and conditions, etc.</p> <p>The Contract Manager should be fully briefed about the requirements for transportation services, the terms and conditions that the Contractor is required to meet, etc. so that they are able to perform their role as Contract Manager.</p>
Who should perform this role?	<p>The Consortium should appoint a Contract Manager that will act on behalf of the Consortium and oversee the provision of school transportation services.</p> <p>The Contract Manager should be knowledgeable of the Consortium's requirements for school transportation services from an overall business perspective and as defined in the RFP and provided for in the Contract.</p>
What are the primary responsibilities of the Contract Manager?	<p>The Contract Manager should have the authority to:</p> <ul style="list-style-type: none"> • represent and act on behalf of the Consortium, • make decisions, • ensure Contractor compliance with the requirements and the terms and conditions of the Contract and address any issues • monitor (ongoing) the delivery of services in accordance with the service standards set out in the Contract and address any issues of performance as provided for in Article 16 the <i>Contract Template</i>, • work with the Contractor to resolve issues. <p>The scope of the services and the value of the contract(s) to be managed will be helpful in determining the level of effort that may be required to perform the role of contract manager.</p>
Who does the Consortium's Contract Manager work with on the Contractor's side?	The Contractor should have named an individual who will represent them and be responsible for managing the delivery of services based on their proposal and in accordance with the Contract.
How does the Contract Manager resolve disputes?	The Consortium and the Contractor should establish a dispute resolution process that aligns with Section 15.6 and 15.7 of the <i>Contract Template</i> .

APPENDIX "A": JUSTIFICATION FOR SINGLE SOURCE CONTRACT AWARD

REQUEST FOR APPROVAL TO AWARD A SINGLE SOURCE CONTRACT

Based on the attached documentation and the reasons outlined below, this request to procure the following goods and / or services from [**>Insert**: *Name of Supplier*] on a non-competitive basis (i.e. Single source contract award) in the amount of \$ **>Insert** value of the contract (excluding applicable taxes) is being submitted for approval.

1. **>Insert** an *identification* and brief *description* of the goods and / or services to be procured from the proposed Supplier.
2. We/I confirm that this Request for Approval to Award a Single Source Contract is in accordance with allowable conditions:
 - Only one Supplier or group of Suppliers is capable of meeting one or more of the conditions set out below:
 - o The scope of the requirement for school transportation services is not considered of a size that would generate a meaningful competition e.g. one or few runs, one or few single buses.
 - o The geographic area(s) for which school transportation services are required is remote and not likely to generate a meaningful competition.
 - o Other
 - There is not enough time to undertake a competitive process.
 - No proposals or only one proposals received in response to the Request for Proposal.
 - An unforeseen situation of urgency exists and the services cannot be obtained in time by means of an open procurement process.
3. In support of this request, we/I are/am attaching the following documentation to fully explains/justifies why one Supplier or group of Suppliers has been awarded a contract for transportation services:
 - a. A description of the transportation requirements
 - b. The market analysis results.
 - c. An explanation of why this contract award delivers value for money including the total cost of the transportation services to be provided in accordance with the cost breakdown set out in the RFP Template/Model Contract.
 - d. The number and value of contracts previously awarded to this same Supplier.
 - e. An assessment of the potential of complaints from the market place and a plan for managing and responding to such complaints.
4. In addition, we/I have attached a completed and signed Code of Conduct (short form) to confirm that neither we/I nor any member of my family has any direct or indirect financial interest in the award of a contract to **>Insert** Supplier Name.

Request Prepared & Submitted By:

Name Title Date

Contract Award Recommended By (in accordance with the Approval Limits):

Name Title Date

Contract Award Approved and Signed By (in accordance with the Approval Limits):

Name Title Date

Include attachments as per Item 3 above.

- >
- >
- >
- >

Attach Code of Conduct (Short Form) (as per item 4 above)

CODE OF CONDUCT FORM

Date: _____

From: _____

Project Identification, if applicable: _____

Conflict of Interest:

I am requesting approval to award a Single source contract to [>Insert: Name of Supplier] in respect of the identified project. This completed and signed Conflict of Interest Declaration is attached to and forms part of the completed *Justification for Single Source Contract Award* documentation package.

As the Requestor for the award of a Single source contract, it is essential for the integrity of the process that I confirm that I do not have any conflicts of interest.

This requires that I:

- do not have any ownership interest in, are not an officer or director of, the identified Supplier;
- do not have any direct or indirect financial interest in the award of a contract to the identified Supplier;
- am not currently retained or employed by, or acting as a consultant under contract to the identified Supplier; and
- am not negotiating or do not have any arrangement concerning future employment or consultancy contracting with the identified Supplier.

Code of Conduct

In fulfilling my duties as a participant in the above-named procurement project, I am required to observe high standards of conduct and avoid impropriety or the appearance of impropriety so that the integrity and impartiality are preserved.

This will require that I:

- act honestly and fairly in the conduct of my duties;
- be independent and impartial at all times;
- not be influenced by self-interest, outside pressure, political considerations or fear of criticism;
- not allow any past or existing financial, business, professional, family or social relationships or responsibilities influence my conduct or judgment;
- assist and be collegial to colleagues in the performance of their duties;
- respect all members of the project team in the exchange of views, information and opinions that take place throughout the project; and
- conduct myself in a manner that is transparent and accountable.

Confidentiality

The information that I have access to be used solely for the purpose for which they were created or obtained and shall not be disclosed, utilized, directly or indirectly, after expiry or termination of the project, except and solely:

- upon mutual agreement of the parties to the disclosure of such information;
- as may be required pursuant to an arbitration or to a court in respect of a dispute;
- to legal counsel or independent accountants representing the Ottawa Congress Centre;
- to the extent that any such information is generally known or available to the public or is required by law or legal process.

If any conflict of interest**, breach of the code of conduct, or breach in confidentiality arises during the project, I am required to immediately report it in writing to the >Insert name of the applicable project authority.

**** A conflict of interest refers to situations in which personal, occupational or financial considerations may affect or appear to affect the objectivity or fairness of an individual. A conflict of interest may be *real, potential or perceived* in nature. A *real* conflict of interest arises where an individual has a private or personal interest, for example, a close family connection or financial interest with a Proponent. A *potential* conflict of interest may arise when an individual has a private or personal interest such as an identified future commitment with a Proponent. A**

***perceived** or apparent conflict of interest may exist when a reasonable well-informed person has a reasonable belief that he or she has a conflict of interest, even if there is no real conflict.*

Completed By: (the individual who prepared *the Justification for Single Source Contract Award*)

Name	Title	Date
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Witnessed By:

Name	Title	Date
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APPENDIX “B”: PROCUREMENT CHECKLIST

Activity	Description
Identify when the existing contract expires	Start to prepare for the procurement process at least 8 – 10 months before the expiry of the existing contract.
Determine the procurement approach or combination of approaches that will deliver the most value to the Consortium	Determine the procurement approach or approaches that the Consortium will undertake to contract for school transportation services taking into consideration the types of factors identified in Section 4 of this document
Identify the individuals to participate on the procurement project team and confirm their availability	<p>At a minimum members should include individuals with:</p> <ul style="list-style-type: none"> • knowledge of the Consortium’s requirements for school transportation services, • experience undertaking procurement processes
Define the requirements for school transportation services including any performance standards that must be met	Refer to the existing contract for school transportation services and the RFP Template for an understanding of what should be included in the definition of requirements
Compile Background Information	Compile information that might be helpful to potential Proponents in fully understanding the context of the requirements and include this information in the RFP in <i>Sub-section 1.2.4 Background</i> .
Conduct market analysis	Determine if there are potential Suppliers of school transportation services in the geographic area covered by the Consortium such that a meaningful open competition can occur
Develop evaluation criteria and evaluation & selection process that will enable the Consortium to select the proposal(s) that offers the most value	<p>Define the criteria and the process that will be used to evaluate the proposals. Sub-section 3 of the <i>RFP Template</i> provides an outline of the usual Mandatory Requirements and the Non-Mandatory (or Scored) criteria that are relevant to the procurement of school transportation services.</p> <p>Sub-section 4 of the <i>RFP Template</i> provides the usual methodology to be followed to evaluate and score the proposals and determine the preferred Proponent(s).</p>
Undertake a review and approval process for the RFP (prior to issuance)	In accordance with the requirements of the Consortium, ensure that the RFP is reviewed for accuracy and completeness and compliance with the principles of public sector procurement.
Issue the RFP using the “advertising” options set out in Section 6, as appropriate	Issue the RFP using any of the methods identified in Section 6 of this document

APPENDIX "C": CODE OF CONDUCT

To: >Insert name of the Purchasing Officer for the Procurement, and

Subject: >Insert the name of the Procurement Project

Name: _____
(Print Your Name)

This Code of Conduct is intended to ensure the highest standards and maintenance of the integrity of the Consortium's procurement process. By disclosing relevant personal, professional or financial connections or interests with Proponents, the Consortium will ensure that conflicts of interest can be avoided, thereby preserving the objectivity and credibility of the process.

Conflict of Interest

I am involved in the procurement in a manner that provides me with information that - if provided to one or more Proponents - could provide an unfair competitive advantage or I am a member of the project team, which could include the evaluation team for the procurement process being initiated by the Consortium for the selection of an organization for the procurement.

I am aware that the Consortium requires the highest ethical conduct from its employees and requires that conflicts of interest should be avoided.

A conflict of interest refers to situations in which personal, professional or financial considerations may affect or appear to affect the objectivity or fairness of an individual. A conflict of interest may be **real, potential or perceived** in nature:

- A **real** conflict of interest arises where an individual has a private or personal interest, for example, a close family connection or financial interest with a Proponent.
- A **potential** conflict of interest may arise when an individual has a private or personal interest such as an identified future commitment with a Proponent.
- A **perceived** or apparent conflict of interest may exist when a reasonable well-informed person has a reasonable belief that he or she has a conflict of interest, even if there is no real conflict.

In order to avoid any conflict of interest, I acknowledge that no individual who has been in the employ of, or a consultant to, a Proponent within one year prior to the publication date of any solicitation documents may serve on any procurement related committee or team. In addition, I acknowledge that members of any such committees or teams must not, either directly or indirectly, accept any gift, reward or benefit of any kind from any member of any Proponent with whom they are brought into contact with by reason of their duties thereon.

I acknowledge that as a participant in the procurement process for the procurement, which could include defining evaluation criteria and selection methods, evaluating bid(s) that neither I nor any members of my immediate family are permitted to:

- have any direct or indirect financial interest in the award of a contract to any Proponent;
- be currently retained or employed by, or is a consultant to or under contract to any Proponent;
- be negotiating or have an arrangement concerning future employment or contracting with any Proponent; or
- have any ownership interest in, or be an officer or director of, any Proponent.

In connection with this procurement process, I shall:

- avoid any Conflict of Interest in relation to the Project;
- disclose to the Consortium without delay any actual or potential Conflict of Interest that arises during the procurement process for this Project; and
- comply with any requirements prescribed by Project Sponsors to resolve any Conflict of Interest.

If any conflict of interest between my work with any Proponent and the Consortium arises during this procurement process including the evaluation of bids, I will immediately report it in writing to the Contracting Authority.

I declare that there is no actual, potential or perceived conflict of interest arising out of my participating in this procurement process, including but not limited to the development of the solicitation document and any part thereof and/or evaluation of the bids, except for the following (indicate n.a. if there are none):

I understand that I continue to be under an obligation to declare all conflicts of interest or any situation that may be reasonably perceived as a conflict of interest throughout this procurement process and into the future.

In fulfilling my duties as a member of the Project Team, I agree and acknowledge that I shall:

1. act fairly in the conduct of my duties;
2. avoid impropriety and the appearance of impropriety and shall observe high standards of conduct so that the integrity and impartiality of the procurement process is preserved;
3. be independent and impartial;
4. not be influenced by self-interest, outside pressure, political considerations or fear of criticism;
5. not allow past or existing financial, business, professional, family or social relationships or responsibilities to influence my conduct or judgment;
6. treat all interested parties with dignity and respect and in performing their duties, be collegial and assist colleagues through the exchange of views, information and opinions; and
7. act with honesty and integrity and conduct myself in a manner consistent with the nature and the responsibilities and the maintenance of public confidence in the conduct of business of the Project Team.

CONFIDENTIALITY DECLARATION

I acknowledge that during the course of this procurement process I will acquire certain knowledge or receive certain written or oral information (collectively, the "Information") which is, non-public, confidential or proprietary to the Proponents responding to the Procurement. For purposes of this Declaration, the term Information shall include, but not be limited to, financial and operating information, data, procedures, business processes, and any related supporting documentation (in manual or electronic form), which may be imparted to the Consortium during the conduct of this procurement process. I fully understand that if unauthorized parties receive the Information, the interests of either the Proponents or the Consortium may be compromised or severely damaged.

I agree that I will not use the Information, directly or indirectly, for any purpose other than the evaluation and selection processes related to the procurement. I further agree not to copy or circulate the Information except as a result of the written direction of the Consortium Project Director. I will keep all written Information in my possession in a secure place and manner as directed by the Consortium Project Director and return the same to the Consortium Project Director at their request.

I understand that such Information will be used solely for the purpose for which it was first obtained and shall not be disclosed, utilized, directly or indirectly, after expiry or termination of the procurement process, except and solely:

1. upon mutual agreement of the Parties to the disclosure of such Information;
2. as may be required pursuant to an arbitration or to a court in respect of a dispute;
3. to legal counsel or independent accountants representing the Consortium;
4. as may be required by a legal authority having first obtained a written confidentiality commitment from such legal authority; or
5. to the extent that any such Information is generally known or available to the public or is required by law or legal process.

I understand that these confidentiality obligations shall be continuing and shall survive the completion of the procurement process including the execution of the agreement, without limit in time.

My signature below acknowledges that I have received and read this document and that in consideration of my participation in the procurement, I agree with its terms.

Print Name

Signature

Date

Witness:

Print Name

Signature

Date

APPENDIX "D": RFP DECISION TREE

Note that the flowchart following may apply to a portion of a consortium's jurisdiction (e.g. in a pilot) or to the entire jurisdiction.

