



# Regional Municipality of Durham

Finance Department

Purchasing Policies and Procedures

<b>Title: Vendor dispute resolution process (external)</b>		
<b>Procedure #: 10.01</b>	<b>Issued: May 2, 2019</b>	<b>Page #: 1 of 4</b>
<b>Revised:</b>		
<b>Responsibility: Supervisor/Manager of Purchasing</b>		<b>Section: Purchasing</b>

## 1. Purpose

- 1.1 The vendor dispute resolution process is a mechanism that allows vendors to put forward concerns they have relating to the bidding process, and any other matter related to the procurement of goods and services, for review, and where appropriate for senior Finance management to implement changes.
- 1.2 The intent of the process is not to change or delay an award recommendation during a current procurement but rather to validate that all procurements are handled in an ethical, fair and transparent fashion.

## 2. Definitions

### 2.1 General Complaints

Concerns from a vendor of a general nature regarding the procurement of goods and services, including but not limited to; use of standing agreements, bid solicitations, negotiations, sole sourcing, contract disputes, and award of bids.

### 2.2 Complaint

An objection to the bidding process or any other matter related to the procurement of goods and services.

### 2.3 Dispute

A disagreement regarding the bidding process or any other matter related to the procurement of goods and services.

### **3. Procedure**

#### **3.1 General Complaint**

Complaints of a general nature shall follow the same process as indicated herein with the exception of item 3.2 which does not apply. In the case of a general complaint, the dispute resolution process may be implemented immediately upon receipt of the complaint.

#### **3.2 Vendor Complaint**

In all cases where a complaint involves a request for proposal (RFP), the vendor dispute resolution procedure will only commence after a debrief has been provided, in accordance with the Region's debriefing procedure. Vendors should contact the Procurement Officer named in the RFP document to request a debrief prior to moving forward with the complaint process herein.

#### **3.3 Vendor Dispute**

In the event of a complaint which results in a dispute, the Vendor shall provide written notice of such dispute directly to the Purchasing Supervisor or Manager.

The Vendor's claim should include the following:

- Vendor name and address;
- Vendor contact name (maximum of two representatives);
- Identification of the bid solicitation number and title being protested (if applicable);
- Detailed and factual statement of the grounds for complaint; and
- Supporting documentation

The Purchasing Supervisor/Manager shall acknowledge receipt back to the Vendor in a timely manner, providing proposed times and dates for conducting a meeting.

The Purchasing Supervisor/Manager will determine who should be in attendance for the meeting, which may include any of the following:

- Purchasing Manager
- Purchasing Supervisor
- Procurement Officer
- Originating Department Representative

#### **4. Conducting the meeting**

- 4.1 Meetings may be conducted by conference call or in person.
- 4.2 The meeting will be chaired by the Purchasing Supervisor/Manager.
- 4.3 The Vendor will present their concerns based on the original complaint filed and the parties will discuss.
- 4.4 Any additional documentation not already brought forward by the Vendor in their written notification will be requested as follow up to the meeting for review and further consideration
- 4.5 The Vendor will also be allowed an opportunity to ask questions and to provide feedback regarding the solicitation process.

#### **5. Dispute resolution escalation process**

- 5.1 The Region and the Vendor will utilize best efforts to settle amicably and in a timely fashion any disputes brought forward through this mechanism. If the dispute cannot be resolved to the satisfaction of both parties, the Vendor may contact the Region's Ombudsman, or make a delegation before the Finance and Administration Committee by contacting the Corporate Services Department – Legislative Services for further information on the delegation process or refer to the Region's website. Where a deputation is being made, Regional Staff shall prepare a report for information outlining the details of the dispute to the committee, to coincide with the deputation.

#### **6. Disclosure of information during process**

- 6.1 There will be no discussion related to the details of any other Vendor or other Vendors' disputes/complaints.
- 6.2 Any information disclosed is to be in accordance with Purchasing By-law 68-2000 (as amended).
- 6.3 The Vendor will note that any details they provide will be subject to the Freedom of Information Act.

#### **7. Conclusion of process**

- 7.1 At the conclusion of the vendor dispute resolution process, the Purchasing Manager and/or the Purchasing Supervisor shall provide a written response to the Vendor.

7.2 Where appropriate, changes to the Purchasing process and/or procedures will be considered internally and may be recommended for approval and/or implemented.

**8. Other references**

8.1 For further details see:

- Purchasing By-Law 68-2000 (as amended)

**9. Inquiries**

9.1 For further information regarding this policy please email at [general purchasing inquiries](#) or by calling (905) 668-4113 extension 2364 or 3369.