

Purchasing Protocol – Bidder Debriefing

1. Purpose and Interpretation

The purpose of this protocol is to provide general information related to bidder debriefings in respect of a procurement. This guideline should be read in conjunction with the Town's Procurement By-law.

Bidder's Right to a Debriefing

Where the procurement value is \$100,000 or more, upon written request, an unsuccessful bidder must be provided with an explanation of the reasons why its bid was not selected.

Debriefings are an important component of a competitive procurement process and provide an opportunity to:

- (a) recognize the efforts bidders make in responding to solicitation documents issued by the Town;
- (b) assist the bidder in understanding why its bid was not selected and address questions and concerns in a non-confrontational manner; and
- (c) Suggestions for improvements so that unsuccessful bidders have a better opportunity at winning future bids, and the Town has access to more qualified bidders that are better able to compete for the Town's business.

When debriefing unsuccessful bidders, care must be taken not to provide information that might prejudice fair competition between suppliers.

2. Request for Debriefing

A debriefing is only initiated at the request of a bidder. Requests for a debriefing should be directed to the contact person identified in the solicitation document (the "contact person"). Bidders are expected to make their request within sixty (60) days of the notification of the outcome of the procurement process. Requests for a debriefing that are made after this time period may be considered by the Town on a case-by-case basis.

Purchasing Protocol – Bidder Debriefing

3. Responding to a Request for Debriefing

When a bidder has requested a debriefing, the contact person, in consultation with the Department, may provide the bidder with written information about the bidder's evaluation score and the strengths and weaknesses of the bidder's bid to assist the bidder in responding to future opportunities.

(a) The following **will not** be covered in a debriefing:

- information that might prejudice fair competition between suppliers;
- confidential or proprietary information that would prejudice the legitimate commercial interests of third parties, including the protection of intellectual property; or
- personal information about an identifiable individual.

4. Challenges to the Procurement Process

If a bidder is dissatisfied with the outcome of the procurement process, the next step is to formally challenge the procurement, in accordance with the steps outlined in the Town's Procurement Protest Protocol.

Environmental and Social Procurement Protocol

Purpose

The purpose of this protocol is to outline the procedures and guidance for formal and informal purchases to incorporate environmental and social considerations in the competitive process. This protocol should be read in conjunction with the Town's Procurement By-law.

Interpretation

Defined terms used in this protocol have the meaning assigned in the Glossary of Terms. For ease of reference, the following defined terms are repeated here:

"3rd party certification" means an independent assessment declaring that specified requirements pertaining to a product, person, process, or management system have been met. (*American National Standards Institute*).

"Environmental and Social Procurement" means the procurement of products, materials and/or goods from an organization that either operates in an environmentally, socially, and/or ethical manner or produces products/services/materials that have a positive social, environmental or ethical outcomes.

"Environmental Stewardship" means the responsible use and protection of the natural environment through conservation and preservation-based measures.

"Greenhouse Gas Emissions (GHG)" means the emissions released into the atmosphere resulting from the combustion of fossil fuel (e.g. transportation, energy consumption etc.) that contribute to the greenhouse effect.

"Greenhouse Effect" means the effect caused by increased quantities of greenhouse gases (GHG) such as carbon dioxide in the atmosphere resulting from the burning of fossil fuels. GHG emissions trap the heat from the sun and cause a gradual rise in the temperature of the Earth's atmosphere and shifting weather patterns.

"Life-cycle Costing" means considering the costs of the good or service throughout its life cycle – from production and manufacturing, distribution, usage, and end of life.

"Social Benefits" means the beneficial social impacts generated as a result of the procurement of goods and/or services from a vendor. Examples include creating opportunities for local economies and/or communities where suppliers operate.

"Sustainability" means development that meets the needs of the present without compromising the ability of future generations to meet their own needs (*Brundtland Commission*).

Objectives

The Town of Caledon recognizes the potential to create positive impacts on the environmental and social realm while maximizing economic benefits through procurement practices. The Environmental and Social Procurement Protocol provides an outline of how purchasing decisions can integrate and achieve environmental & social procurement outcomes to enhance the Town's ability to reduce greenhouse gas emissions and improve social equity. Through the Environmental and Social Procurement Protocol, the Town of Caledon aims to:

- I. Embed environmental and social criteria considerations into the Town's purchasing procedures and supply chain management processes;
- II. Identify and incorporate specifications for goods and services that achieve environmental and social benefits, wherever possible;
- III. Include supplier environmental and social considerations in procurement evaluations where applicable;
- IV. Ensure that all suppliers comply with all aspects of the Supplier Code of Conduct including the minimum environmental performance standard;
- V. Recognize suppliers who contribute to accessible, inclusive and healthy workplace practices and exercise environmental stewardship;
- VI. Equip staff with the resources necessary to embed social and environmental considerations in all Town operations, where feasible.

Role of Purchasing

- I. Identify opportunities, to further embed environmental & social procurement criteria on applicable purchases, where possible;
- II. Encourage the use of the Environmental and Social Procurement Questionnaire for applicable purchases;
- III. Reference and promote to staff the Environmental and Social Guideline and Protocol, where possible.

Role of Energy & Environment Manager

- I. Review and comment on purchases over \$50,000.01;
- II. Seek opportunities for environmental and social procurement to align with and complement other Town programs and initiatives;
- III. Champion, promote and educate the benefits of environmental & social procurement to all Town departments.

Role of All Staff

- I. Abiding with the requirements outlined in this protocol;
- II. Understand the benefits of procuring goods and services that provide environmental & social benefits;
- III. Recognize and identify opportunities to embed environmental and social considerations into the procurement process;
- IV. Consider a total cost of ownership approach when planning for procurement;
- V. Reference the Environmental and Social Procurement Guideline to inform the procurement of goods and services, where possible.

Requirements for Use

General Purchasing Guidelines (\$0-\$50,000)

For all “informal” purchases, staff are encouraged to consult the environmental and social procurement guideline (referenced below) and engage with the Energy and Environment Division, where possible, to identify opportunities to procure products and/or services that create environmental and/or social benefits.

Formal Acquisitions

For formal acquisitions including tenders & RFPs valued over \$50,000, staff must consult the Energy and Environment Division to ensure that environmental considerations are part of the acquisition process, where possible.

Supplier Environmental and Social Procurement Sample Questionnaire

The Town developed a sample supplier environmental and social procurement questionnaire to evaluate a supplier’s commitment to incorporating environmental and social action into their operating procedures and in the products and materials produced. The sample questionnaire applies to specific purchases over \$50,000 for the following product and/or service categories: Apparel, Appliances, Chemicals, Cleaning Supplies and Janitorial Products, Courier / Freight, Electronics, Flooring, Food Services and Equipment, Fuels, Oils and Lubricants, Furniture, Paints, Plastics, Print services, Promotional Items, Safety Supplies and Equipment, Stationery, Waste Management – Disposal and Recycling and other relevant products or services as deemed appropriate by the Manager of Energy and Environment and Manager of Purchasing and Risk Management. The sample questionnaire’s weighting on the overall score for request for proposal’s is a minimum of 10%.

The sample questionnaire contains three (3) evaluated categories:

- Company focus (suggested weight 30%): Evaluate the supplier’s existing environmental policies, management systems & reporting practices;
- Environmental sustainability (suggested weight 50%): Evaluate supplier’s existing waste, resource and energy management practices;
- Social sustainability (suggested weight 20%): Evaluate supplier’s existing ability to create societal benefits within their community.

The sample Supplier Environmental and Social Procurement Questionnaire and evaluation matrix is provided in Appendix A

Corporate Green Building Standard

The Town’s Corporate Green Building Standard (CGBS) sets out the Town’s commitment to incorporate sustainable building design principles into the planning, design, construction, and operation of new municipal buildings and major renovations of existing buildings.

This CGBS applies to all projects that are:

- A. Owned wholly by the Town of Caledon;
- B. New buildings or a major renovation project greater than 10,000 square feet of covered and heated space; and,
- C. Any other eligible corporate project that the Town of Caledon Council deems subject to the CGBS.

All procurement documents and processes should ensure they contain the necessary requirements to retain the designers, contractors and building consultants with the appropriate LEED designations to satisfy the requirements under the CGBS.

Town Staff Environmental & Social Procurement Guideline

The Environmental & Social Procurement Guideline provides staff an overview of the benefits associated with environmental and socially responsible procurement and helps ensure staff are provided with a resource to maximize the environmental and social benefits stemming from Town purchases, where possible. The guideline provides staff with specific information about key considerations to have throughout the procurement process.

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Appendix A:

Supplier Environmental & Social Procurement Sample Questionnaire

Questionnaire Structure

The questionnaire is composed of 3 main sections relating to your organization's environmental and social action and the impacts that stem from your corporate behavior. The questionnaire is weighted and scored based upon your responses. The responses in this questionnaire will equate to a minimum of **10%** of the total score allocated during the RFP process.

Section 1: Company Focus (Suggested to be weighted at 30%)

Section 2: Environmental Sustainability (Suggested to be weighted at 50%)

Section 3: Social Sustainability (Suggested to be weighted at 20%)

Please provide the following information

Organization's Name: _____

Date questionnaire is completed: (YYYY-MM-DD)

Verification of Responses

The Town possesses the right to verify all responses and statements made in this questionnaire and may ask to be provided specific documentation referred to in this questionnaire.

I declare that all responses provided on the Supplier Environmental & Social Procurement Questionnaire are accurate and true.

Authorized Signature: _____

Name: _____

(Please Print)

Title: _____

(Please Print)

Town of Caledon Supplier Environmental & Social Procurement Sample Questionnaire

Section 1: Company Focus

Environmental Policy

If the supplier selects yes and provides evidence of an environmental policy, they are awarded full points. (Out of 1 point)

1.) Does your organization have a written policy, commitment or vision outlining company commitments to operate in an environmentally sustainable manner?

☐ Yes

☐ No

If **Yes**, Please attach the relevant policy below.

Third Party Certifications and/or Energy Management Systems

Supplier to select a minimum of two from this list and provide supporting documentation to receive full points. If the supplier only checks 'other initiatives', they can only receive one point. (Out of 2 points)

2.) Does your organization pursue 3rd party verification and/or have a certified environmental or energy management system?

☐ ISO14001 Certified

☐ ISO50001 Certified

☐ Our organization operates in third-party verified green buildings and has developed a plan to meet third-party verified standards (such as LEED, BOMA, BREEAM, etc.)

☐ Our company produces a product(s) that align with third-party "green" certification programs (i.e. GreenSeal, Eco Logo, Energy Star, FSC Certification etc.)

☐ Other initiatives or certifications not listed above (please describe below and upload supporting documentation).

Please upload supporting documentation to prove the achieved certification. If **No**, please explain why.

Monitoring & Disclosure Practices

Supplier to select a minimum of one report from the list and provide a copy of the report as evidence to receive full points. (Out of 1 point)

3.) Does your organization disclose your environmental and energy performance through any of the following mechanisms?

☐ Carbon Disclosure Project

☐ Annual Triple Bottom Line Report

☐ Verified through a third party such as B Lab, ISO14001, SA8000 or Social Fingerprint

<input type="checkbox"/>	Environmental/Energy progress report
If your organization does disclose your environmental and energy performance, please attach any information verifying your response.	
Section 2: Environmental Sustainability	
Responsible Waste Management	
To receive points for this question, the supplier must select one choice from:	
<ul style="list-style-type: none"> • Package Minimization • Landfill Diversion • Waste Reduction Strategy 	
Please provide any supporting documentation to verify your answers. (1 point per selection in each category; Out of a maximum of 3 points)	
4.) Select the following waste management practices your organization currently engages in	
Package Minimization	
<input type="checkbox"/>	We work with our suppliers to minimize packaging, in order to reduce waste generated used in our facilities.
<input type="checkbox"/>	We work with our suppliers to minimize packaging, in order to reduce our net water use.
Landfill Diversion	
<input type="checkbox"/>	We take back used products and packaging from customers and ensure it is recycled or reused as often as possible.
<input type="checkbox"/>	We have an effective company recycling program that includes office paper, beverage containers, batteries, print cartridges, or other materials.
<input type="checkbox"/>	We have eliminated disposable water bottles from our company facilities.
<input type="checkbox"/>	We recycle/dispose of all old equipment in an environmentally responsible manner
<input type="checkbox"/>	We have a composting program
Waste Reduction Strategy	
<input type="checkbox"/>	We have established waste diversion targets that we actively work towards
<input type="checkbox"/>	Our organization conducts regular waste audits to measure the total amount of solid waste generated by your facilities?
<input type="checkbox"/>	Our organization has a waste reduction strategy
Energy & Resource Management	
The supplier will select as many of options as applicable. (1 point per selection; Out of a maximum 3 points)	
5.) Select the following energy & resource management practices your organization currently engages in.	
<input type="checkbox"/>	We conduct regular energy audits or recommissioning exercises at our facility
<input type="checkbox"/>	We have regular employee engagement programs about energy use (i.e. dashboard, emails, lunch and learn sessions, seminars, training etc.)
<input type="checkbox"/>	We have retrofitted our facilities and made process improvements to decrease GHG emissions and energy use.
<input type="checkbox"/>	We have installed water-efficient or waterless technologies

<input type="checkbox"/>	We sell/install/promote the use of Energy Star certified environmental products or other equipment.
<input type="checkbox"/>	All of our office electronic equipment, where applicable, is Energy Star certified.
<p>6.) Please list any initiatives you have undertaken in the past 2 years that focus on reducing Greenhouse Gas Emissions or initiatives that improve your organization's energy efficiency.</p> <p>Suppliers will receive 1 point per action listed out of a maximum of 2 points.</p> <ul style="list-style-type: none"> • 	
<h2>Section 3: Social Sustainability</h2>	
<h3>Community & Local Economy Focus</h3>	
<p>The supplier will list their social sustainability initiatives and receive 1 point per action. (1 point per selection; Out of a maximum of 2 points)</p>	
<p>7.) What action does your organization take to support social sustainability efforts?</p>	
<input type="checkbox"/>	Our business is seeking to form partnerships with local business and by working with local suppliers, contractors, and sub-contractors where possible.
<input type="checkbox"/>	Our business provides employment and/or training opportunities for the person(s) with barriers to employment (e.g., people with addictions, disabilities, mental health issues; people who are newcomers or refugees, etc.) that go beyond the hiring practices required by law.
<input type="checkbox"/>	Our business promotes diversity in our supply chain by providing diverse suppliers with equitable access by engaging with suppliers owned by veterans, lesbian, gay, bisexual and transgendered (LGBT) individuals, African, Native, and Latino populations.
<input type="checkbox"/>	Our business sponsors community-based groups and organizations supporting community learning and organized activities.
<input type="checkbox"/>	Other action, please list below
<p>Please list any other initiatives your organization has undertaken that support social sustainability efforts.</p> <ul style="list-style-type: none"> • 	

Evaluation Tool for Environmental & Social Procurement Questionnaire

Question	Point Structure
Section 1: Company Focus, weighted 30%	
Question 1: Environmental Policy	<p>If the supplier provides supporting documentation of the environmental policy and selects yes, they are awarded full points.</p> <p>Out of a maximum of 1 point.</p>
Question 2: Third Party Certifications and/or Energy Management Systems	<p>Supplier to select a minimum of two from this list and provide supporting documentation to receive full points. If the supplier only checks 'other initiatives', they can only receive one point.</p> <p>Out of a maximum of 2 points</p>
Question 3: Monitoring & Disclosure Practices	<p>Supplier to select at a minimum of 1 report from the list and provide supporting documentation to receive full points.</p> <p>Out of a maximum of 1 point.</p>
Total: 4 Available points	
Section 2: Environmental Sustainability, weighted 50%	
Question 4: Responsible Waste Management	<p>The supplier must select one choice from:</p> <ul style="list-style-type: none"> • Package Minimization • Landfill Diversion • Waste Reduction Strategy <p>Supplier must provide support documentation for waste reduction strategy to receive full points.</p> <p>Suppliers will receive a maximum of 1 point per selection, per category for a maximum of 3 points allocated for the question.</p>
Question 5: Energy and Resource Management	<p>The supplier will select as many of practices as applicable to them. Suppliers will receive 1 point per practice listed up to a maximum of 3 points.</p>
Question 6: GHG Reduction Initiatives implemented within the last two years	<p>The supplier will receive 1 point per action listed for a maximum of 2 points.</p>
Total: 8 Available points	
Section 3: Social Sustainability, weighted 20%	

Question 7: Community and Local Economy Focus	The supplier will list their social sustainability initiatives and receive 1 point per action for a maximum of 2 points.
Total: 2 Available points	

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Purchasing Protocol – Non-Competitive Procurement

1. Purpose

The purpose of this protocol is to set out the procedures and requirements for acquiring deliverables through a non-competitive procurement process. This protocol should be read in conjunction with the Town's Procurement By-law.

Non-Competitive Procurement

"Non-Competitive Procurement" means the acquisition of deliverables directly from a particular supplier without conducting an Open Competition.

A Non-Competitive Procurement must not be used for the purpose of avoiding competition among suppliers or in a manner that discriminates against or in favour of particular suppliers and will only be permitted in accordance with applicable trade agreements.

2. Authorization and Approval of a Non-Competitive Procurement Process

To obtain authority for a Non-Competitive Procurement, the Department must complete the Non-Competitive Procurement Approval Form and attach all supporting documentation.

The completed Approval Form must also be accompanied by the detailed requirements, specifications and pricing structure for the required deliverables.

The Approval Form must be approved and signed in accordance with the Town's Schedule of Procurement Methods and Authority prior to acquiring any goods or services or engaging in any contract negotiations with a supplier.

3. Conducting a Non-Competitive Procurement

When a Non-Competitive Procurement is authorized, the Department, in conjunction with the Manager of Purchasing, is responsible for negotiating and finalizing the contract for the deliverables in accordance with the Procurement By-law.

Non-Competitive Procurement Recordkeeping

In addition to the general recordkeeping requirements under the Procurement By-law, the approved Non-Competitive Procurement Approval Form and all supporting documentation must be maintained for a minimum of three (3) years from the contract award date, or such longer period as may be required under the Town's document management policies.

Purchasing Protocol – Non-Competitive Procurement

4. Notice of Award

Within 72 days of the contract award, the Purchasing Division must publish the notice of award on the Bids and Tenders website. The notice must include at least the following information:

- (a) a description of the goods or services procured;
- (b) the name and address of the procuring entity;
- (c) the name and address of the successful supplier;
- (d) the date of award; and
- (e) a description of the circumstances justifying the use of a Non-Competitive Procurement.

Purchasing Protocol

Subject: Procurement Protest Protocol

1. Purpose and Interpretation

The purpose of this protocol is to set out the process for suppliers to make a formal complaint about a particular procurement process. This protocol should be read in conjunction with the Town's Procurement By-law.

2. Scope of the Procurement Protest Process

The procurement protest process set out in this protocol is meant to provide an opportunity for suppliers to voice complaints and to assist the Town in identifying any gaps or shortcomings in its procurement policies and practices. The procurement protest process is intended to help resolve issues that involve no significant factual or interpretive disagreement between the parties. It is not intended to resolve fundamental disputes over facts or legal rights and obligations, or to establish a mechanism to adjudicate such disputes.

3. Restrictions

A supplier may follow the procurement protest process to challenge either a competitive process or a Non-Competitive Procurement. Where the supplier is a bidder that is challenging a competitive process, the supplier must request and attend a debriefing prior to engaging in the procurement protest process.

The procurement protest process set out in this protocol shall not be used to challenge a procurement process in respect of which the supplier has commenced legal proceedings against the Town.

4. Dispute Resolution Under Trade Agreements

The process provided for in this protocol is separate and distinct from any dispute resolution processes that may be provided for under applicable trade agreements. If a supplier wishes to dispute a matter or bring a complaint under an applicable trade agreement, the supplier must follow the process set out in the trade agreement, which may differ from the process set out in this protocol.

5. Procurement Protest Process

5.1 A supplier that wishes to challenge a procurement process must do so by submitting a request for review in writing within sixty (60) days from notification of the outcome of the procurement process. Requests for review will not be addressed under this protocol until after the Town has publicly posted or otherwise provided formal notification of the outcome of the procurement process.

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5.2 A request for review of a procurement process must be directed to Purchasing and must contain the following:

- a clear statement as to which procurement the supplier wishes to challenge;
- a clear explanation of the supplier's concerns with the procurement, including specifics as to why it disagrees with the procurement process or its outcome; and
- the supplier's contact details, including name, telephone number and email address.

5.3 Within five (5) business days from receiving the supplier's request for review, the Purchasing Division will send an initial response to acknowledge receipt and indicate the date by which the Town will provide the supplier with a formal response. In general, the Town will endeavor to make a determination and provide a formal response within twenty (20) business days from receipt of the supplier's request for review.

5.4 Purchasing will conduct an initial review of the supplier's request for review and will consult with all Department staff involved in the procurement process in order to compile any background information and documentation relevant to the procurement process and the supplier's concerns.

5.5 Purchasing will submit the supplier's request for review and the compiled background information and documents to the Procurement Review Committee (the "PRC"). The PRC is established in accordance with the Procurement By-law.

5.6 The PRC will convene a meeting to review and consider the supplier's request for review and all internally compiled background information and documents. The PRC may seek any additional information it requires and may consult with other staff, legal counsel or other advisors, as necessary.

5.7 Upon completion of its review, the PRC will make a determination and issue a response to the supplier as follows:

- (a) If the PRC finds that the supplier's rationale for requesting a review of the procurement process does not have merit, then it will issue a response to the supplier indicating that the PRC has reviewed its concerns and providing reasons for its determination; or
- (b) If the PRC finds that the supplier's concerns in respect of the procurement process have merit, then it will further determine the appropriate resolution to the matter. In making its determination, the PRC may consider any factors it considers relevant, including:

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- whether the complainant participated in the procurement process or was prevented from doing so;
- the seriousness of any deficiency found in the procurement process;
- the degree to which the complainant was prejudiced by any deficiency in the procurement process; and
- whether the parties acted in good faith.

Upon making its determination, the PRC will issue a response to the supplier indicating its proposed resolution to the matter, if any, and indicating any changes that will be made to the Town's policies and practices to help prevent similar issues arising in future procurement processes. Any such response will be provided to the supplier on a "without prejudice" basis.

- 5.8 The determination of the PRC is the final determination under the procurement protest process. If the supplier is not satisfied with the response of the PRC, the supplier may consider its other options, including challenges under the applicable trade agreements and/or governing laws.

Purchasing Protocol – Vendor Performance Evaluation

1. Purpose and Interpretation

The purpose of this protocol is to establish a performance evaluation process in order to evaluate vendor performance in a transparent and consistent manner. This protocol should be read in conjunction with the Town's Procurement By-law.

2. Performance Evaluation

Vendor performance is critical to the success of Town projects. Poor workmanship, unnecessary contract delays and unsafe work practices will not be tolerated.

At the outset of the contract, the Contract Manager will provide the supplier with copies of the Interim and Final Performance Evaluation Reports and the Town's Vendor Code of Conduct that will be used to rate the vendor's performance in accordance with the Performance Evaluation Process.

(a) Interim Evaluation

The Contract Manager will formally evaluate the vendor's performance and complete the Interim Performance Evaluation Report using the Vendor Performance Scorecard in Appendix A prior to the renewal or extension of the contract, if applicable, and may formally evaluate the vendor's performance and complete an Interim Performance Evaluation Report at any time during the term of the contract, as determined by the Contract Manager taking into account the nature, complexity, value and length of the contract.

(b) Final Evaluation

The Contract Manager will formally evaluate the vendor's performance and complete the Final Performance Evaluation Report using the Vendor Performance Scorecard in Appendix A upon completion, expiration or termination of the contract.

3. Interim Performance Evaluation Report

Notification of Supplier

The Contract Manager will notify the vendor of its overall performance rating and provide the vendor with a copy of the completed and signed Interim Performance Evaluation Report.

Performance Issues

If the vendor receives a rating below "Criterion is Fully Met" rating on any of the rated criteria in the Interim Performance Evaluation Report, the Contract Manager will meet with the vendor to clearly identify and discuss the performance issues, determine the corrective action that will be taken to rectify and avoid recurrence of the performance issues, and obtain the vendor's agreement to take the corrective action within a specified time period. Following the meeting, the Contract Manager will confirm the details and outcome of the discussion in writing to the vendor, and will attach a copy of the written record of the meeting to the Interim Performance Evaluation Report. The Contract Manager will inform his or her Director and the Manager, Purchasing of the performance

Purchasing Protocol – Vendor Performance Evaluation

issues. If the performance issues are not rectified or there is a recurrence of the performance issues, the Contract Manager will consult with his or her Director, Purchasing and Legal Services to determine next steps.

4. Final Performance Evaluation Report

(a) Performance Issues

If the supplier receives a “Below Standard” rating on any of the rated criteria in the Final Performance Evaluation Report, the Contract Manager will meet with the supplier to discuss the performance issues, and will consider any comments or explanations provided by the supplier in the finalization of the Final Performance Evaluation Report.

(b) Recommendation Based on Performance

Based on the final rating of the criteria in the Final Performance Evaluation Report, the Contract Manager will make a recommendation to either:

- allow the supplier to continue participating in future procurement processes; or
- suspend the supplier from participating in future procurement processes for a period of up to three (3) years in accordance with the Supplier Suspension Protocol.

(c) Recommendation for Continued Participation

If the evaluation results in a recommendation to allow the supplier to continue participating in procurement processes, the Contract Manager will notify the supplier of its final rating and the resulting recommendation, and provide the supplier with a copy of the completed and signed Final Performance Evaluation Report.

(d) Recommendation to Suspend

If the evaluation results in a recommendation to suspend the supplier from participating in future procurement processes in accordance with the Supplier Suspension Protocol, the following steps must be taken:

(i) Review by Director

The Contract Manager will submit the Final Performance Evaluation Report to his or her Director for review. The Director will ensure that the Final Performance Evaluation Report is complete, will discuss the ratings with the Contract Manager, and will ask the Contract Manager to confirm that the Final Performance Evaluation Report accurately reflects the supplier’s performance.

(ii) Notification of Purchasing

The Contract Manager will inform Purchasing of the recommendation and provide the Manager of Purchasing with a copy of the Final Performance Evaluation Report.

Purchasing Protocol – Vendor Performance Evaluation

(iii) Notification of Supplier and Supplier's Right to Dispute

The Contract Manager and the Manager of Purchasing will jointly notify the supplier of its final rating and the resulting recommendation, provide the supplier with a copy of the completed and signed Final Performance Evaluation Report and advise the supplier that any dispute in respect of the recommendation must be set out in a written statement of dispute and submitted to the Manager of Purchasing within 10 business days.

(e) **Decision to Suspend and Consideration of Statement of Dispute**

The decision with respect to suspension of the supplier will be made in accordance with the Supplier Suspension Protocol. The completed Final Performance Evaluation Report will fulfill the requirement for a written Suspension Recommendation Report under the Supplier Suspension Protocol. The Procurement Review Committee will consider the supplier's statement of dispute, if any, in making a decision under the Supplier Suspension Protocol. A decision under the Supplier Suspension Protocol is final.

5. Retention of Evaluation Reports

The Contract Manager will retain all original Interim and Final Performance Evaluation Reports and will provide Purchasing with a copy of each Performance Evaluation Report. Purchasing will retain copies of all Interim and Final Performance Evaluation Reports.

6. Disclosure of Results to Others

The results of any Performance Evaluation Processes are intended to be disclosed internally across Departments, and may be disclosed to other government bodies upon request and to any entity for which it can be demonstrated that the supplier has listed the Town as a reference.

7. Consideration of Performance in Evaluation of Bids

The Town may consider past performance evaluation results in the evaluation of future bids from the supplier, whether or not the past performance resulted in suspension in accordance with the Supplier Suspension Protocol, and may exclude a supplier based on significant or persistent deficiencies in past performance.



Vendor Performance Scorecard

Date _____

To be completed every 60 days during the contract agreement, and at the end of the contract agreement.

Form can be used more frequently if deemed necessary by the Project Manager.

Start the process by reviewing previous performance report and address partially met criterion and criterion not met to ensure corrective measures have been taken and progress has been made.

SECTION I VENDOR DATA

Report Type <input type="checkbox"/> Interim <input type="checkbox"/> Final	Company Full Name			
Name of Vendor Representative				
Representative Job Title		Address		
Phone # ()-	Agreed start date	Actual start date	Agreed end date	Actual end date
Location of Work Performed		Town Project Manager		
Brief Description of Work;				

SECTION II VENDOR RATING

Based on visual observations and interaction with Town of Caledon Project Manager and staff. Rating does not absolve the Vendor or suggest that all requirements have been met.

check mark appropriate response

	Criterion is not met	Criterion is partially met	Criterion is fully met	Not applicable
1. Adherence to scope of work and specifications	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Adherence to budget	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Adherence to timelines including start and end dates	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. Efficient delivery of materials, supplies and equipment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. Workmanship/quality of work/integrity	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Overall project management	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7. Supervision and decision making	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8. Efficient use of personnel – Town staff and external resources	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9. Cooperation, communication and relations with Town Staff, public and suppliers	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10. Submission of documents, reports, schedules, time cards and invoices. Complete and on time.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11. Ability to resolve issues	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12. Completion of final work, deficiencies and project wrap up	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
13. Observation of Public ,Town Staff, contractor, sub-contractor and vendor safety	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
14. Project Manager's overall project satisfaction	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

DEFINITIONS

Criterion is not met = the vendor shows a limited understanding

Criterion is partially met = the vendor shows a good understanding, but not fully providing what we are expecting

Criterion is fully met = the vendor shows an excellent understanding, it's what we are looking for and expecting

Comments

Refer to Project Issues Management Form and Project Issues Log for specific details.

SECTION III Authentication and Review

I certify that I have objectively prepared this report basing it upon data contained in available project records and discussed the report with the Buyer.

Project Manager_____
Date_____
Director/Department Manager_____
Date

I have reviewed this report for objectivity and accuracy. I have met with and given a copy of this report to the rated Vendor and I have advised the Vendor that any appeal must be made in writing to the Manager of Purchasing and Risk Management within ten (10) calendar days.

Comments:

Date of Meeting with vendor_____
Signature of Buyer_____
Date Report Completed**Forms required to be attached every 60 days and at the end of the contract agreement. Project Manager to keep a current and valid copy of WSIB and Insurance certificate on file at all times**

Attached valid WSIB form Expiration date ____

☐ Attached valid Insurance certificate Expiration date ____**RECOMMENDATION:** based on the above data and comments, the overall performance recommendation for this vendor is:☐ Approved to bid on future work**Placed on probation for:** ☐ One year ☐ Two years ☐ Three years ☐ other ____**DISTRIBUTION:**

Town of Caledon Vendor Code of Conduct



1.0 Introduction

Welcome to the Town of Caledon!

As a valued vendor, we look forward to a mutually positive and productive business relationship. We have created this manual to better assist you in working with the Town of Caledon.

Vendors its employees, agents, and subcontractors that supply goods and/or services to the Town ("Vendors") are expected to adhere to this code of conduct for all dealings with the Town. Vendors shall be committed to performing their functions as specified in their contract and act with honesty, integrity, diligence, political neutrality and accountability and to avoid conflicts of interest, both real and apparent. Vendors are expected to perform their work in a manner that maintains and promotes public confidence in local government and its services provided.

2.0 Core Values

All Town staff and vendors have the responsibility to work together for the common good of the community and residents. Vendors must behave in a manner that is both ethically responsible and accountable at all times in upholding the public's interest.

Communication:	provide accurate, open and clear communication
Accountability:	responsible for our decisions and actions
Leadership:	lead by example
Excellence:	strive for excellence in everything we do
Diversity:	acknowledge the value of a diversity of opinions and skills
Opportunity:	embrace opportunities for training and development
Number one:	promote the Town of Caledon as the employer of choice

3.0 Principals of Our Ethical Business Practice

- Respect the lives, rights, privacy and property of others;
- Avoid all conflicts of interest in decisions that we determine or influence;
- Disclose any conflicts or potential conflicts of interest to the Manager, Purchasing & Risk Management
- Conduct duties and business relationships in an honest, fair and responsible manner;
- Sustain a culture in which ethical conduct is valued and recognized;

- Endorse accessibility and provide goods and services in a manner that respects the independence and dignity of persons with disabilities;
- Maintain safe, healthy and secure work environments;
- Sustain responsible trading practices with all vendors to promote decent, legal and humane working conditions;
- To use resources, material and energy as efficiently and responsibly as possible in the provision of products and services;
- Foster a business environment that encourages open communication and seeks out, listens and responds to the ideas and concerns of stakeholders;
- Behave in a manner that is both ethically responsible and accountable at all times in upholding the public interest and will withstand public scrutiny;
- Provide timely, full and true disclosure of material information, both financial and non-financial, concerning the business and affairs of the Town to the public when and as required through authorized channels and/or spokespersons according to the Town Guidelines;
- Manage compliance with the Vendor Code of Conduct as any other critical business activity;
- Comply with applicable laws and Town policies and procedures.

4.0 Accessibility

The vendor will endorse accessibility and ensure the needs of those with disabilities are accommodated, recognizing the use of assistive devices, support persons, service animals, availability of documents and notices in alternative formats and applicable accessibility training. The vendor shall require all applicable personnel (including those of its sub-contractors) to fulfill accessibility training requirements.

5.0 Harassment and Discrimination in the Workplace

Vendors and their sub-contractors shall treat all people with respect and dignity. No one shall be subject to any form of abuse.

The Vendor must abide by The Ontario Human Rights Code, R.S.O. 1990, Chapter c H.19 (OHRC) which states that every person has a right to equal treatment in employment without discrimination based on the following grounds:

- race
- sex (includes pregnancy and gender identity)

- ancestry
- sexual orientation
- place of origin
- age (over the age of 18, 16 and over in occupancy of accommodation)
- colour
- marital status (including same-sex partners)
- ethnic origin
- family status
- citizenship
- record of offenses (in employment only)
- receipt of public assistance (in accommodation only)
- creed (religion/beliefs)
- handicap

Discrimination includes differential treatment of an employee, potential employee or other persons based on prohibited grounds as set out in The Occupational Health and Safety Act.

Vendors shall be expected to adhere to the Workplace Harassment and Discrimination Procedure, and adhere to Town policies and not engage in behaviors that constitutes harassment

Harassment can present itself in many forms including but not limited to unsolicited remarks made deliberately or repeatedly, questions, suggestions or decisions based on prohibited grounds of discrimination.

- Vendors will not engage in a course of vexatious comments or conduct against a worker in the workplace that is known or ought reasonably to be known to be “unwelcome”. Vendors will not engage in any unwelcome remark jokes, innuendos or taunting about a person’s racial ethnic or religious background, colour place of birth, citizenship, ancestry, or any other prohibited ground.
- Vendors will not display engage in racist, derogatory, sexually suggestive or other offensive pictures or materials
- Vendors will not engage in unwelcome remarks or jokes about a person’s body, attire or gender, leering, unnecessary physical contact, any unwelcome sexual solicitation or advance, or reprisal or threat of reprisal for the rejection of a sexual solicitation or advance

6.0 Health and Safety

The Town expects vendors to provide healthy and safe workplaces and comply with relevant health and safety laws. We expect vendors to provide all their employees with adequate information and instruction on health and safety concerns and to enable their employees to meet their responsibilities for the maintenance of a healthy and safe workplace.

Vendors and their sub-contractors will:

- Provide their workers with safe and healthy work environments which, as a minimum standard, is in compliance with Ontario health and safety laws and regulations.
- Take adequate steps to prevent accidents or injuries to health arising out of, associated with, or occurring in the course of work.
- Ensure that any living facilities provided for personnel are safe and clean and meet the basic needs of personnel.
- Provide health and safety training appropriate for their industry
- Ensure that the all equipment and tools, including personal protective equipment are in proper working condition, maintained and certified
- The vendor will ensure workers are free to express their concerns about workplace conditions without fear of retribution of losing their jobs

7.0 Smoking in the Workplace

- In accordance with the Town's commitment to providing a smoke-free environment for its employees and the general public accessing municipal services at Town facilities, smoking is prohibited in the workplace.
- Smoking is strictly limited to outdoor smoking areas that are designated by the Town
- Smoking is not permitted in any area within nine (9) meter radius of an entrance or exit to a facility, which is owned or leased, in whole or in part, by the Town, including but not limited to playgrounds, sport fields, parks and outdoor recreation areas
- Smoking includes the smoking or holding of lighted tobacco or lighted herbal material, and the use or holding of electronic smoking devices (Cigarettes, hookah pens, etc)

8.0 Social Media

- The Town of Caledon supports the use of online communications to enhance customer service and leverage the Town's brand.
- The Town vendors will ensure that any communication via social media platforms is conducted on behalf of the Town in a manner that is consistent and respectful to Canadian libel laws, *Municipal Freedom of Information and Protection of Privacy Act*, and Town of Caledon practices in regards to confidential information and intellectual property.

9.0 Workplace Alcohol and Drug Use

Town vendors and their sub-contractors will:

- ☐ Not use or be under the influence of illegal drugs or impaired by alcohol or prescription drugs while conducting business or services for or on behalf of the Town at work.

- ☐ Allow adequate time for the body to remove all alcohol or other drugs from the bloodstream before coming to work or assuming job responsibilities.

10.0 Workplace Violence

- ☐ Vendors will not engage in any behaviors that may be considered threats or acts of violence. Violence includes attempting to or exercising, physical force by a person against an employee in a workplace that causes or could cause physical injury, or a statement or behavior that is reasonably interpreted as a threat to exercise physical force that could cause physical injury to an employee.
- Domestic Violence – includes a person who has a personal relationship with a worker- such as a spouse or former spouse, current or former intimate partner or a family member- who may physically harm, threaten or attempt to physically harm the worker while at work.
- ☐ Workplace - includes the working environment and any place employment-related activities are conducted including business travel, work-related social gatherings or any other location that may have a subsequent impact on the workplace.

11.0 Employment Standards

Vendors will employ employees who are, in all cases; present voluntarily, not put at risk of physical harm due to their work environment, fairly compensated and allowed the lawful right of free association.

12.0 Wages and Benefits

Vendors will at a minimum, provide wages and benefits that comply with the laws, as stipulated by the Ontario Ministry of Labor, within the Employment Standards Act. Pay workers and provide workers with clear, written accounting of hours worked, deductions and regular and overtime wages in a language they can understand.

13.0 Child Labour

Child labour is prohibited.

14.0 Forced or Slave Labour

Vendors of the Town will not use forced or slave labour. The Town does not wish to encourage the use of products that have been made in factories in countries where children are used as slave labour or other exploitive circumstances, which impede child development.

15.0 Disciplinary Practices

Vendors will not use corporal punishment or other forms of mental or physical coercion.

16.0 Environmental Commitment

The Town of Caledon strives to reduce the impact of its operations and business decisions on the natural environment. Ensuring that environmental considerations are embedded into Town procurement processes is integral to mitigating the Town's environmental and climate change impact. To align with this, vendors working for the Town will strive to reduce the negative environmental impacts of the goods and services they provide. Therefore at a minimum, Town vendors must have an awareness and compliance, where necessary, of the environmental laws, regulations, approvals or permits in the relevant jurisdiction, related to the products or services they provide. As a result, all required permits are to be maintained and in compliance with all applicable environmental laws and regulations.

In addition, vendors are encouraged to identify and manage the environmental impacts associated with their goods and services by:

- Reducing water, energy and other unnecessary waste at the source or as a byproduct of their operations, through actions such as modifying production, maintenance, and facility processes, materials substitution, conservation, recycling, and re-using materials;
- Conserving natural resources and reducing carbon emissions by committing to standards and activities that reduce the number of materials used or have a recycled content;
- Identification and management of materials posing an environmental hazard to ensure safe handling, movement, storage, recycling or re-use and disposal;

17.0 Social Leadership

Where possible, Vendors will be encouraged to provide workforce development opportunities by training, mentorship, or apprenticeship and/or develop partnerships with local social enterprises to provide employment for person(s) with barriers (e.g. People with addictions, disabilities, and mental health issues; people who are newcomers or refugees, etc.). In addition, vendors are encouraged to engage a diverse workforce population and provide equal and accessible opportunities to improve diversity throughout their supply chain while increasing social equity.

17.0 Conflicts of Interest

In their relationship with our employees, Vendors must not try to gain improper advantage or preferential treatment for other relationships they may have with the Town.

18.0 Gifts and Entertainment

The nature of the gifts or entertainment must not, by their quality, quantity or timing, be used by Vendors to gain improper advantage or preferential treatment. We expect that Vendors will maintain appropriate records of exchanges of gifts and entertainment with our employees.

19.0 Anti-bribery and Anti-Corruption

vendors must not engage in any conduct that would put our organization at risk of violating anti-

bribery laws.

20.0 Ethical Dealings with Employees

The Town expects its employees to treat all vendors – or those seeking to do business – with honesty, integrity and respect. In conducting business on behalf of The Town, employees are bound by the Employee Code of Conduct. Employees must never be put in a position where personal or financial incentives or interests may impair their judgement and ability to make decisions in the best interest of the Town.

It is never acceptable for any employee to pay or accept any bribe, kickback or other unlawful payment or benefit to secure any concession, contract or other favorable treatment.

The Town expects its vendors to respect our employees who are duty-bound to comply with the Employee Code of Conduct guidelines regarding gifts, entertainment and travel. The Town does not believe that its business goals are best advanced in an environment of entertainment and, thus, employees are discouraged from accepting invitations to participate in sporting or cultural

events. The Town does encourage its employees and vendors to come together in support of charitable events and programs where there is mutual interest.

21.0 Sub-Contractors

Vendors will certify that their sub-vendors of materials or finished goods used in the manufacture of finished goods for the Town comply with product and service specifications provided or promised and also comply with this Vendor Code of Conduct.

It is important for the Town to know the locations of where the work will be performed or goods sourced and the parties involved in the provision of the services.

Vendors must manage their subcontractors to ensure it complies with contractual obligations with the Town and with this Code, and provide evidence of such monitoring upon request.

22.0 Products and Services

Vendors will supply only products and/or services that comply with the Town's specifications and comply with all applicable Canadian legal requirements. Vendors will supply only products and/or services that, when used as intended, are safe for employees, consumers, and the environment.

Vendors will cooperate fully with the Town and take appropriate steps, including notification of the Town's stakeholders and public product recalls, to address any health, safety, environmental or regulatory issues associated with their products and/or services.

The Town will determine the frequency and extent of the assessments and ongoing monitoring. Consistent with standard industry practice, all costs associated with the assessments and ongoing monitoring will be borne solely by the vendor.

Vendors will allow the Town and/or any of its representatives reasonable and timely access to its facilities and to its relevant records at all times.

23.0 Compliance and Implementation

The Town expects all its vendors to respect and to actively do their utmost to achieve the Town's standards. The Town believes in cooperation and the Town is willing to work with its vendors to improve performance where necessary.

The Town will require that Vendor provide details on factory and production facility locations of vendors and subcontractors and will make this information publicly available upon request.

The Town reserves the right to ask for proof of compliance with all applicable labour, health, safety, and environmental laws, and may inspect working conditions, at any time (or request independent verification of compliance) at the vendor's expense.

The Town or a third party designated by the Town may periodically conduct on-site assessments of selected vendor facilities that produce finished goods for the Town. The Town may also periodically conduct on-site assessments of selected sub-vendor facilities that provide services, produce materials or finished goods for the Town. Assessments may include a review of relevant vendor records as well as inspection of the facility for compliance with this Code.

24.0 Invoicing / Accounts Payable

All vendors providing goods or services to the Town of Caledon in the normal course of the Vendor's business are required to provide an acceptable invoice. A statement is not an appropriate documentation. Payment processing may be delayed if invoices have missing or incorrect information.

All vendor invoices must include the following information:

- Vendor name and address
- Date of invoice
- Invoice number
- Itemized list of goods and/or services, including the date they were provided
- Tax must be broken out and itemized separately if applicable
- Total amount due
- Purchase Order (PO) Number as issued by the Town of Caledon

25.0 Confidentiality and Privacy

Vendors will not disclose to others or use for their own purposes or the purposes of others any trade secrets, confidential information, knowledge, designs, data, skill, or any other information which the Town presents to the vendor as confidential.

Vendors will respect the privacy of personal information they collect, use or disclose as a consequence of their business relationship with the Town. Confidential business and personal information must be protected in accordance with the Freedom of Information and Protection of Privacy Act.

Sensitive information must be protected against theft, loss, destruction, unauthorized access or misuse. If you are aware of any attempt to obtain sensitive information by unauthorized means or misuse of such information, Vendors must advise the Town Representative as defined in your contract.

When discussing business matters, your surroundings must be considered. Conversations in public places should be limited to information that is non-confidential and does not include references that could identify a person or situation. Vendors and their staff are to consider, at all times, how their actions and words impact upon the interests of the Town.

26.0 Vendor Performance

The Town will manage Vendor performance on a regular basis as part of the contract management process.

The vendor will have regular meetings to update the Town on the status of the project.

This will include a Vendor performance scorecard which will document the vendor's progress as well as the criterion and provide a rating that will be documented and will be managed through to the completion of the project or task.

The Town will issue a final vendor report for the project, and if necessary will issue a non-performance which may result in a Vendor being banned to bid on future Town work.

27.0 Complaint Procedure

The Vendor shall submit a completed signed form as provided by the Manager, Purchasing & Risk Management.

The Vendor shall set out the grounds for the belief and the contravention alleged. For example, facts should include the name of the alleged offender, the provision allegedly contravened, facts constituting the alleged contravention, the names and contact information of witnesses, and contact information respecting the complainant.

28.0 Violation of the Vendor Code of Conduct

Where, it has been determined by the Town that a violation of the Vendor Code of Conduct has occurred; it may result in, but is not limited to, any one of the following:

1. Coaching/Training
2. Verbal or written warnings
3. Suspension
4. Banned from future Town contracts
5. Removal from volunteer positions with the Town where appropriate
6. Notification sent to professional associations