

Vendor Complaint Resolution

PURPOSE

To ensure vendor complaints with respect to a specific Call or in regards to the City's procurement processes in general, are dealt with objectively, fairly, openly and with transparency.

POLICY

Extract from Procurement Processes Policy as adopted by Council at its meeting of July 20, 21 & 22, 2004, Report 5, clause 7 of the Administration Committee.

The City is committed to the highest standards of integrity with respect to dealing with vendor complaints. Complaints shall be handled with fairness and equity for all participants in a Call.

All vendor complaints with respect to a Call, whether addressed to elected officials or the administrative staff, are to be referred to the Chief Purchasing Official for resolution.

Objections to a recommendation for award must be in writing. The Chief Purchasing Official shall review the objection and determine, in consultation with the City Solicitor where necessary, whether the objection is material, as defined in the Purchasing Chapter of the Municipal Code.

Where the objection is determined not to be material, the making of the award shall proceed in accordance with the Purchasing Chapter.

Where the objection is determined to be material and cannot be resolved, the award shall be made by Council in accordance with the Purchasing Chapter. In such case, the Chief Purchasing Official and the City official on whose behalf the call was made and, where necessary, the City Solicitor shall report to the appropriate standing committee of Council with respect to the recommendations for award. The Chief Purchasing Official shall inform the Vendor of his/her right to make a deputation before the Standing Committee dealing with the award and shall advise the Vendor to contact the Clerk's Office for further information on the deputation process. Upon hearing the deputation and considering the staff report, the standing committee shall make a recommendation to Council with respect to the award.

PROCEDURES

1. All vendor complaints with respect to a recommendation for award must be in writing.
2. Elected Officials and divisional staff shall refer any vendor complaint(s) with respect to a Call to the Director of Purchasing and Materials Management.
3. The Director of Purchasing and Materials Management reviews the objection within 48 hours, where possible, (with the vendor, if required) and determines, in consultation with the City Solicitor where necessary, whether the objection is material, as defined in the Purchasing Chapter of the Municipal Code.
 - Determine if a meeting would resolve the complaint.
4. If the objection is determined not to be material, the Director of Purchasing and Materials Management advises the vendor accordingly in writing and prior to making the award.
5. The Director of Purchasing and Materials Management proceeds with the award in accordance with the Purchasing Policies.
6. If the objection is deemed to be material and cannot be resolved, the Director of Purchasing and Materials Management proceeds to make the award in accordance with the Purchasing Chapter of the Municipal Code and concurrently informs the vendor in writing of the decision and of the vendor(s) right to make a deputation before the Standing Committee dealing with the award.
7. The Vendor is responsible for contacting the Clerk's Office for information on the Deputation process.
8. Upon hearing the Deputation and considering the staff report, the Standing Committee shall make a recommendation to Council with respect to the award.

CONTACT

Should you have any questions please contact the Purchasing and Materials Management Division. In the event that further interpretation is required, please contact the Manager, Corporate Purchasing Policy & Quality Assurance at 392-0387 or Supervisor, Policy, Training & Technology at 392-1305.