

PURPOSE

To outline the steps involved in conducting a Swiss Challenge Request for Proposal. The procedure provides guidance in preparing, issuing, receiving, evaluating and awarding Swiss Challenge – Request for Proposal (SC-RFP) calls issued to obtain counter proposals to unsolicited quotations or proposals. The issue of the SC-RFP to obtain counter proposals is a specialized procurement process that is distinct from the City's typical RFP procedure.

POLICY

The Unsolicited Quotations or Proposal Policy as adopted by Council at its meeting of June 19, 20, and 22, 2007, Report 5, Clause 6 of the Government Management Committee.

Toronto Municipal Code, Chapter 195 – Purchasing as adopted by Council at its meeting of July 20, 21 and 22, 2004, Report 5, Clause 7 of the Administration Committee.

PROCEDURES

1.0 Preconditions for issuing a Swiss Challenge

1.1 A SC-RFP can only be issued when:

- i. The Toronto Office of Partnership (TOP) has reviewed and forwarded the unsolicited quotation or proposal to the relevant Division for assessment.
- ii. The proponent of the unsolicited proposal has signed a Swiss Challenge Agreement with the City. The Agreement sets out the rules of the process and specifically addresses the extent to which the proponent's proposal may be made public as part of the process.
- iii. The relevant Division has reported to Council requesting authorization to proceed with the Swiss Challenge.
- iv. Council has approved the initiative.

2.0 Preparation of the Swiss Challenge – RFP

2.0 The relevant Division shall draft the SC-RFP using the standard Purchasing and Materials Management Division (PMMD) RFP template.

2.1 Prior to drafting the SC-RFP the Division shall consult with the Legal Services and Corporate Access and Privacy (CAP) to review the unsolicited quotation or proposal and the signed Swiss Challenge Agreement and determine what, if any, information is considered proprietary. This is necessary for the preparation of the

SC-RFP. In addition to the standard requirements of a Request for Proposal, the SC-RFP shall identify the following as a minimum:

- i. That it is a counter proposal SC-RFP.
- ii. The details from the unsolicited quotation or proposal which are not deemed proprietary (in consultation with Legal and CAP).
- iii. Reference the Unsolicited Quotations or Proposals Policy.
- iv. Identify that only the highest scoring proposal that exceeds the unsolicited proposal will be considered.
- v. Details of the successful counter proposal that will be made available to the proponent of unsolicited proposal.
- vi. That the proponent of the unsolicited proposal will be given 30 days to match or exceed the terms of the successful counter proposal.
- vii. Any final award will require City Council approval.

2.2 The Division forwards the draft SC-RFP, and supporting documentation (Council approval of the initiative) to the PMMD Manager.

3.0 Review and issue of SC-RFP Document and Receipt and Reviews of Proposals

- 3.1 PMMD Manager forwards/assigns the request to the appropriate Corporate Buyer.
- 3.2 Corporate Buyer assigns a Call Document number and reviews and prepares the call.
- 3.3 The call review, questions, answers, changes during the formal building period and receipt and evaluation of proposals shall be in accordance with the PMMD Request for Proposal Procedure.
- 3.4 The evaluation team should be made up of the staff who evaluated the unsolicited proposal.

4.0 Opportunity to Match or Improve

- 4.1 If a successful counter proposal is superior to the original unsolicited proposal, the original proponent shall be given the opportunity to match or improve on the selected competing proposal.
- 4.2 The Division shall provide the PMMD Manager a detailed summary of the evaluation results. The results must confirm that all mandatory requirements have been met and the proposal is superior to the unsolicited proposal.
- 4.3 The PMMD Manager and Corporate Buyer shall review the results.
- 4.4 The Corporate Buyer confirms Fair Wage and Debtor's Watch List approval has been met received for the successful SC-RFP proposal.
- 4.5 The PMMD Manager shall notify the original proponent of the unsolicited proposal that they have 30 days to match or improve the selected competing proposal.

The notification shall include all relevant details of the competing proposal determined to be non-proprietary in consultation with Legal Services and CAP.

- 4.6 If the original proposal matches the counter-proposal, the Division shall recommend to Council that negotiations continue with the original proponent. If the original proponent does not match the selected competing proposal, the Division shall recommend that negotiations be undertaken with the selected competing proponent with the objective of entering into an agreement based on the proposal submission, as may be amended through the negotiation process.

5.0 Award

- 5.1 The Division shall prepare a joint report with PMMD to Council recommending award of the best proposal resulting from the SC-RFP (unsolicited proposal or selected competing).
- 5.2 The Division should be prepared to provide an in-camera presentation of the evaluation results of the SC-RFP in accordance with the PMMD procedure for In-Camera Presentation.
- 5.3 Upon award of the contract, the relevant Division will be responsible for working with the successful proponent to implement the initiative.
- 5.4 The relevant Division shall keep TOP apprised of all developments and outcomes.

6.0 Relevant Resources

Process for Receiving and Reviewing Unsolicited Quotations and Proposals -
<http://www.toronto.ca/top/pdf/policy.pdf>

Request for Proposal -
http://insideto.toronto.ca/purchasing/pdf/procedure_rfp.pdf

In-Camera Presentation -
http://insideto.toronto.ca/purchasing/pdf/pmmdprocedure_incamera_2006.pdf

Unsolicited Quotations or Proposal Policy -
<http://www.toronto.ca/calldocuments/pdf/unsolicited.pdf>

RFP Template -
http://insideto.toronto.ca/purchasing/word/new_rfp_june08.doc

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 416-392-0387 or Supervisor, Policy, Training & Technology at 416-392-1305.