

CORPORATE POLICY MANUAL

Title Bid Dispute Resolution	Policy Number SC-01-020
Distribution All Staff	Effective Date 01 January 2015

POLICY

TransForm Shared Service Organization, (“**TransForm**”) is committed to facilitating a bid dispute resolution process that is responsive to supplier complaints in a fair and timely manner, and is in accordance with applicable trade agreements.

This Bid Dispute Resolution Policy (the “**Policy**”) sets out the process by which a supplier (the “**Complainant**”) initiates a review of a decision of TransForm in respect of any material aspect of a procurement process.

This Policy will be outlined in any competitive procurement documents issued by TransForm to proponents and/or available upon request.

PROCEDURE

1. TransForm’s Director of Strategic Sourcing will receive and process any complaints made under this Policy.
2. If the Complainant submitted a proposal in a procurement process and wishes to initiate a review of a decision of TransForm in respect of any material aspect of that procurement process, the Complainant must:
 - (a) participate in the proponent debriefing for that procurement process; and
 - (b) submit a written protest containing the information set out in this Policy to Director of Strategic Sourcing within ten days from the date of that debriefing.
3. If the Complainant did not submit a proposal in a procurement process and wishes to initiate a review of a decision of TransForm in respect of any material aspect of that procurement process, the Complainant must submit a written protest containing the information set out in this Policy to Director of Strategic Sourcing within ten days of the posting of the contract award.
4. Any protest that is not received by the Director of Strategic Sourcing within the timeframe or in the manner set out in step 2 or 3 above (as applicable) will not be considered and the Complainant will be notified of same in writing.
5. A Complainant must include the following in its written protest:
 - (a) the name and address of the Complainant;
 - (b) identification of the competitive procurement at issue (e.g. by RFP number);
 - (c) identification of the specific provision of the procurement document and/or procedure that is alleged to have been breached, and the manner in which it was breached;
 - (d) a precise statement of other relevant facts;
 - (e) the Complainant’s arguments and supporting documentation; and
 - (f) the Complainant’s requested remedy.

6. The Director of Strategic Sourcing will respond to the Complainant, by e-mail, within five business days of receiving the written protest to confirm TransForm’s receipt of the protest and to provide the Complainant with a copy of this Policy (unless TransForm has previously made a copy available to the Complainant).
7. TransForm’s Chief Business Development and Supply Chain Officer will review the protest and conduct an appropriate fact-finding process to attempt to confirm the allegations made in the protest (the “**Review**”). This may require further communications with the Complainant, as determined by Chief Business Development and Supply Chain Officer.
8. In carrying out the Review or in connection with any final determinations regarding the resolution of the protest, Chief Business Development and Supply Chain Officer will involve such TransForm or hospital personnel at an appropriate level as are reasonably required.
9. The TransForm CEO will make a final determination regarding the resolution of the protest, and will send to the Complainant a final written response to the protest within 30 business days of receipt of the protest.
10. At each meeting of the TransForm Board of Directors, the TransForm CEO will report to the Board concerning the resolution of all protests under this Policy since the previous such report.

Forms/Cross References (Policies Numbers to be updated as TransForm policies are finalized)

1. Policy SC-01-010, Supply Chain Code of Ethics and Conflict of Interest
2. Policy AA-002, Segregation of Duties/Approval Authority
3. Policy AA-003, Procurement Policy Procedures (PPP)
4. Policy AA-005, Contract Management
5. Policy AA-009, Capital Purchase and Procedures
6. Policy AA-010, FIPPA Compliance Policy

References

1. BPS Procurement Directive (July 1, 2011) <https://www.mgs.gov.on.ca/bps-procurementdirective>
2. BPS Procurement Directive Implementation Guidebook (April 2011) <https://www.mgs.gov.on.ca/bps-implementationgb-tools>
3. Agreement on Internal Trade (AIT) <http://www.ait-aci.ca>

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Signature:			