


<b>Category:</b> Finance Division	<b>Policy:</b> FIN-F18-016
<b>Effective Date:</b> December 5, 2016	<b>Revision Date:</b> June 15, 2017
<b>Supersedes:</b>	<b>Coverage:</b> All Town Departments
<b>Reviewed by:</b> Manager of Procurement	<b>Approved by:</b> Director of Finance/Treasurer
<b>Authorized Signature:</b> 	

## Procedure Statement

The Town is committed to following open, fair and transparent Procurement processes and in doing so has created a procedure to set out the process in the case of a tie between two (2) or more Compliant Bids and multiple awards are not possible.

## Scope

This procedure applies to all employees of the Town and any Bidder.

## Purpose

The purpose of this procedure is to set out the criteria and process for breaking a tie between two (2) or more Compliant Bids. This procedure was developed to ensure that the Town is acting in an open, fair and transparent matter where award decisions are required and the Bids received are equal in all aspects after evaluation, including price for Goods, Services or Construction.

## Definitions

All capitalized terms used in this procedure shall have the meaning given to them in the Procurement Policy, unless otherwise defined in this procedure.

“**Compliant Bid**” means a Bid that has met the mandatory requirements set out in the solicitation document.

## Procedure

Prior to the commencement of any tie breaking activity, Bidders will be required to sign a Tie Bid Declaration Form to verify their participation in resolving the tie. Bidders failing to sign the Tie Bid Declaration Form and opting to not participate will forfeit their opportunity for award recommendation.

The following factors shall be the method of determining the Contractor when two (2) or more Compliant Bids are received for a Competitive Bid Process and the Bids have the exact same total bid price and are the lowest total bid price, providing that price is the deciding factor for award.

Should the first factor not be able to determine the Contractor, the subsequent factors shall be reviewed, in order, until such time that determination can be made.

1. Where a Contractor Performance Evaluation is on file for each of the tied Bidders, the Bidder with the best evaluation rating will be recommended for award;
2. The Bid will be reviewed for best value to the Town, as follows:
  - a) Goods: The Bidder with the best delivery date will be recommended for award.
  - b) Services: The Bidder in a position to offer better after sales service, with a good record in this regard will be recommended for award.
  - c) For Construction, the Bidders will be asked to provide a best and final offer and the Bidder with the lowest total bid price as a result of the best and final offer will be recommended for award. In submitting a best and final offer, the Bidders will have an option to:
    - a. Change their total bid price; or
    - b. Resubmit a status quo Bid.

## Related Documents

- Procurement Policy

**Tie Bid Declaration Form**

Project File No: X-XX-XX

Project Name: TITLE

In an effort to resolve the current tie bid situation, the Town of Bradford West Gwillimbury (“Town”) is requesting that those Bidders involved agree to participate in an open, fair and transparent process to determine the Contractor. Upon signing the declaration form, Bidders agree to abide by the results and waive any legal rights they may have against the Town.

Bidder’s Legal Business Name: XXXXXX

Bidder Address: XXXXXXXX

I, [insert Bidder’s Legal Business Name], agree to participate in the process outlined in the Town’s Tie Bid Procedure, FIN-F18-016, and will abide by the results.

I hereby accept that should I not sign this Tie Bid Declaration Form that I am forfeiting the opportunity to be recommended for award and will be disqualified from the Competitive Bid Process.

By:

Position:

\_\_\_\_\_

\_\_\_\_\_  
(I have authority to bind the company)

Witness:

Dated this

\_\_\_\_\_ day of \_\_\_\_\_ 2017.  
\_\_\_\_\_

