



Policy on the performance evaluation of contractors or suppliers

Adopted May 12, 2014 under resolution 2014-05-171

SECTION 1: Objectives, definitions and fields of application

1.1 Objectives

The objective of this policy is to improve the process for selecting contractors while ensuring transparency, fairness and free competition in the awarding of contracts. This policy seeks to provide a framework for evaluating the performance of contractors or suppliers, while reserving the Town's right to turn down any bid from a contractor or supplier whose performance, over the two years prior to the opening date of the bids, was deemed to be unsatisfactory. The ultimate goal of this policy is to increase the quality of the services received and ensure the sound management of public funds.

1.2 Scope

This policy applies to contracts exceeding \$25,000. The established evaluation process must be applied by all departments, except with the permission of the general manager or the Council.

1.3 Application

Working under the authority of the general manager, the Director of the Legal Services Department is responsible for overseeing the application of this policy.

1.4 Definitions

- **Contractor or supplier**

The bidder to whom the contract has been awarded.

- **Call for tenders**

The process for obtaining bids through public calls for tenders or by issuing written invitation to suppliers or buyers to provide written cost quotations for goods or services in keeping with conditions specified in call for tenders documents, in compliance with articles 573 et seq. of the *Cities and Towns Act*.

- **Council**

The Municipal Council of the Town of Rosemère.

- **Call for tenders documents**

The set of documents consisting of the call for tenders, administrative and technical specifications, the tender form, any applicable addenda and other document provided along with these.

- **Supplier**

Any person or legal entity in a position to offer goods and services.

- **Designated person**

The director of the department responsible for the project, which led to the awarding of the contract involved or any individual designated by and operating under the supervision of said director.

- **SÉAO**

Système électronique d'appel d'offres (Electronic Call for Tenders System).

- **Bidder**

Any person or legal entity submitting a proposal within the framework of a call for tenders process.

- **Town**

The Town of Rosemère.

SECTION 2: Application of the evaluation

2.1 Responsibilities

2.1.1 General Management

General Management is responsible for the application of this policy as well as the supply process, and the management and application of the regulations stipulated therein.

Its key responsibilities are as follows:

- Ensure the uniform application of this policy.
- Approve the withdrawal of an evaluation criterion from an evaluation process or the use of criteria recommended by the designated person, in compliance with article 3.1 of this policy.
- Approve the transmission of the unsatisfactory performance evaluation to the contractor or supplier.
- Advise the Council that an unsatisfactory performance evaluation will be sent to a contractor or supplier.
- Transmit to Council the contractor or supplier's comments on the unsatisfactory performance evaluation, so that a decision can be taken as to whether or not to adopt a resolution approving the performance evaluation.

2.1.2 Legal Affairs Department - Clerk

The key responsibilities of the Legal Affairs Department – Clerk are as follows:

- Assist the departments with the application of this policy.
- Ensure that the conditions of this policy have been respected before transmitting the unsatisfactory performance report to a contractor or supplier.
- Send the contractor or supplier a certified true copy of the Council resolution approving the unsatisfactory performance evaluation.

2.1.4 Municipal Departments

The key responsibilities of municipal departments are as follows:

- Apply this policy in an objective and impartial manner, within the timeframes set forth therein.

2.1.5 Municipal Council

The key responsibilities of the Municipal Council are as follows:

- Take note of the contents of the evaluation before it is sent to the contractor or supplier, if possible.
- Adopt a resolution approving the unsatisfactory performance evaluation recommended by the general manager.

2.2 Conditions

2.2.1 Steps prior to a performance evaluation

In order for a contractor or supplier's performance to be evaluated, the public or by-invitation call for tenders documents must mention that a performance evaluation will be made and identify the person designated to carry it out. Evaluation criteria must be spelled out in the call for tenders documents. The call for tenders documents must also mention that contractors or suppliers who have received an unsatisfactory performance evaluation from the Town of Rosemère over the two previous years could see their bid rejected for that reason.

2.2.2 The evaluation

The designated person must act objectively and honestly throughout the evaluation process. The designated person shall evaluate the performance of the contractor or supplier in compliance with the criteria, scale and grids specified in section 3. He must apply the criteria and scale in a fair and uniform manner.

When the execution of a contract is carried out over an extensive period or in successive steps, the designated person must document any discrepancies (positive or negative) that may occur throughout the execution of the contracted project. He is required to note, throughout the contract period, in an evaluation file (see evaluation sheet provided in Appendix 1), behaviours, actions, or events relating to the evaluation criteria.

2.2.3 Notice to the contractor or supplier

When a behaviour, action, or event requires improvement or is deemed to be unsatisfactory as it relates to the criteria set forth in the grid, and a notice could potentially correct the situation, the designated person must notify the contractor or supplier of his failing and ask that he correct the situation. A written notice to the contractor or supplier is preferable. The notice is transmitted to the contractor or supplier and a copy is included in the evaluation file. When it has not been possible to issue a written notice, the designated person notes, in writing, the date of the verbal notice and the contents of said notice on the form provided for this purpose, and includes it in the evaluation file.

2.2.4 Evaluation report

As soon as the contract has been fulfilled, the designated person must complete the evaluation report attached to this policy (Appendix 2). This form must be submitted to the general manager for approval before it is forwarded to the contractor or supplier. These

actions must be taken as soon as possible since the evaluation report must be sent to the contractor or supplier no later than 60 days following the end of the contract.

2.2.5 Report's transmission to the contractor or supplier

Following approval by the general manager, but no later than 60 days following the end of the contract, a copy of the unsatisfactory performance evaluation must be sent to the contractor or supplier using means that provide proof of reception (registered mail or messenger).

The contractor or supplier then has a period of 30 days in which to present his comments on the report to the Town, in writing.

2.2.5 General Manager's decision

Upon receipt of comments from the contractor or supplier, an analysis of these comments is carried out and the general manager decides whether or not the unsatisfactory performance evaluation should be upheld.

2.2.6 Approval by Council

No later than 60 days following receipt of comments from the contractor or supplier, or the expiration of the deadline provided for this purpose, and the upholding of the unsatisfactory performance evaluation, the Council shall adopt a resolution approving the unsatisfactory performance evaluation contained in the report sent to the contractor or supplier.

2.2.7 Transmission to the contractor or supplier

The town clerk sends a certified true copy of the unsatisfactory performance report along with the Council's resolution to the contractor or supplier, using means that provide proof of reception.

2.2.8 Consequences of the unsatisfactory performance evaluation

The unsatisfactory performance evaluation becomes definite from the adoption of the Council resolution, which approves it, and remains in effect for a period of two (2) years from that date.

A bid slated to be opened during this period can be rejected because the bidder has been the subject of an unsatisfactory performance evaluation pursuant to this policy.

SECTION 3: Criteria used in the production of a performance evaluation

3.1 Evaluation criteria

The criteria to be used for evaluating the performance of a contractor or supplier are those stipulated in this policy's grids applicable to every type of contract. However, with the authorization of the general manager, the person designated to carry out the evaluation can add criteria, which he deems pertinent based on the contract subject to the evaluation. Criteria can also be removed, with the general manager's authorization.

3.1.1 Definitions

- **Failure to follow up on an administrative requirement of the bid or contract**

This criteria includes failure to comply with any requirement specified in the call for tenders documents or contract, and are not otherwise specified in the evaluation grid, such as failure to comply with requirements contained in the bid form.

- **Failure to respect delivery or schedule deadlines or conditions**

Includes failure to respect the delivery date, as well as the place or method. Also includes failure to respect schedules.

- **Non-compliance of goods or services**

Includes the goods or services' failure to comply with contract requirements.

- **Inadequate documentation or instructions**

Lack of documentation or documentation that is unclear. Absence of or inadequate verbal or written instructions that would have been necessary.

- **Non-respect of the official language**

This can relate to non-respect of the official language in verbal communications. It also includes non-respect of the official language in the documents provided. It can apply as well to non-respect of the official language in engravings or other inscriptions on goods provided.

- **Poor communication or collaboration**

Means that the contractor or supplier failed to respond to comments or requests made to him, responded in an impolite or inadequate fashion, or responded within an unacceptable timeframe. It can relate to the failure to provide a cellular phone number or email address or, in the absence of the individual responsible for the project, failure to name a replacement.

- **Inadequate number or quality of human resources**

This can refer to persons who are either poorly qualified or unqualified to meet the criteria contained in the call for tenders documents or to perform according to normal rules of practice.

- **Failure to meet financial obligations**

Includes, for example, failure to provide proof of insurance by the prescribed date, failure to pay sub-contractors, or failure to provide a certificate of conformity from the CSST (occupational health and safety board).

3.1.2 Performance evaluation grid

To evaluate the performance of a contractor or supplier, the designated person must use the evaluation grids attached to this policy.

3.1.3 Satisfaction scale

The designated person must assign a rating for each criterion, using the following scale:

- 1** Inadequate or unsatisfactory
- 2** Significant failure
- 3** Adequate
- 4** Satisfactory
- 5** Highly satisfactory

3.1.4 In order to assign a 2 or 1 rating, a written or verbal notice must have been given to the contractor or supplier, in compliance with article 2.2.3. This requirement does not apply in the case of a contract whose execution does not make it possible to send a notice in a timely manner.

3.1.5 Unsatisfactory performance

A contractor or supplier is deemed to have delivered an unsatisfactory performance if he receives a 2 rating on 2 criteria, or a 1 rating on a single criteria.

Appendix 1

Event report

Contract:		Person designated by the Town:	
Date:	Event	Verbal notice	Written notice
		yes	yes
		Date	Date
		no	no
Date:	Event	Verbal notice	Written notice
		yes	yes
		Date	Date
		no	no
Date:	Event	Verbal notice	Written notice
		yes	yes
		Date	Date
		no	no
Date:	Event	Verbal notice	Written notice
		yes	yes
		Date	Date
		no	no

Designated person

Date

Appendix 2

PERFORMANCE EVALUATION										
CONTRACT ID		CONTRACT TITLE					PERSON DESIGNATED BY THE TOWN			
SUPPLIER ID	ADDRESS		TELEPHONE		EMAIL			FAX	RESPONSIBLE FOR THE PROJECT ON BEHALF OF THE SUPPLIER	
<i>Criteria</i>	<i>Evaluation date</i>	<i>Notice date</i>	<i>1</i>	<i>2</i>	<i>3</i>	<i>4</i>	<i>5</i>	<i>Justification</i>		
Failure to follow up on an administrative requirement of the bid or contract										
Non-compliance of goods or services										
Failure to respect delivery or schedule deadlines or conditions										
Inadequate documentation or instructions										
Poor communication or collaboration										
Inadequate number or quality of human resources										
Failure to meet financial obligations										
Non-respect of the official language										
Others										

Designated person

Caroline Asselin, Town Clerk

General Manager