

Manitoulin-Sudbury District Services Board POLICY & PROCEDURES MANUAL	
Section: B. General Administration	Effective Date: July 1, 2010
Topic: 3. Finance	
Subject: 3.07. Qualified Contractor- Service Provider List	
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POLICY

Purpose

The Qualified Contractor/Service Provider List identifies firms that are qualified to perform work for the Manitoulin-Sudbury District Services Board (DSB). The list is used to determine which firms should be invited to provide a Quotation, or a bid on a Short Form Tender.

Policy

The Program Director/Managers develop and maintain the Qualified Contractor /Service Provider Lists and are responsible for updating the list annually.

PROCEDURE

Qualifications

To be considered for the Qualified Contractors/Service Providers List, firms must provide:

1. An indication of willingness to work for the DSB at competitive pre-determined hourly/per diem rates;
2. A liability insurance coverage certificate where appropriate;
3. The firm's Workers' Safety Insurance number where appropriate;
4. Performance references for similar work;
5. Details of associated companies.

To create the List the Qualified Contractor /Service Provider Lists the Program Director/Managers may do one or more of the following:

1. Advertise for interested parties through local media;
2. Seek referrals from similar entities;

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3. Follow up with firms who have bid on Public Tenders;
4. Criteria and application available on DSB public website.
5. Include a requirement in short form tenders to supply the 5(five) qualifications numbered 1-5 as noted on page one of this procedure.

Disciplining Contractors/Service Providers

The Manitoulin–Sudbury District Services Board (DSB) has the authority to award and administer a contract; they also have the responsibility to discipline contractors/service providers for poor performance or non-compliance with the terms of their contracts. The intention is to ensure that the DSB has a consistent approach for managing contracts, which will ensure that:

1. The intended product is efficiently and effectively delivered;
2. The conditions of contract documents are met;
3. Site inspections and inspection reports are done;
4. Completion dates are met;
5. The Construction Lien Act is complied with;
6. Performance evaluation of contractor/service provider is done;
7. Disciplinary action is taken where warranted.

Process

The CAO shall ensure that there is a procedure in place, including an appeal process, for the management of contracts that meets the objectives outlined above. Decisions on barring of contractors/service providers by the Tender Award Committee, including a copy of the letter to the contractor, are to be forwarded to the CAO.

The appropriate Director/Manager is responsible for maintaining a list of program barred firms. The list is updated annually in December and submitted to the CAO with additions or deletions to the list of barred firms.

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Guideline

The Tender Award Committee is responsible for disciplining contractor/service providers for poor performance or non-compliance with the contracts that they award. Disciplinary action varies depending on the severity of poor performance or non-compliance with the contracts. The Tender Award Committee will need to use judgement to determine the appropriate degree of discipline, taking into consideration such factors as the impact on the ability to deliver programs, any financial impact and any repetition of non-compliance.

Types of Disciplinary Action

Disciplinary measures may include restrictions on the type of work for which bids can be submitted by the firm and the firm being barred from bidding for varying periods of time.

Conditions for Discipline or Barring

Discipline or barring may be considered under the following conditions:

- Work unsatisfactorily, (e.g. failure to meet completion dates, failure to follow instructions, improper invoicing, failure to comply with health and safety requirements);
- Withdrawing a tender before a contract was awarded but after a tender opening
- Withdrawing a tender after the contract was awarded.

Progressive Discipline

When a contractor/service provider is not performing satisfactorily, the appropriate Director/Manager or their designate should take progressive action to correct the situation. The action could begin with a verbal warning and progress to more severe actions if there is no improvement.

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Below Average Contractor/Service Provider Evaluation

The contractor/service provider is notified in writing and a meeting scheduled to discuss performance. The contractor is given a clear statement of the corrective action required and a date for compliance. The meeting is documented in a note to file. The appropriate Director/Manager should also attend the meeting.

If the contractor/service provider performance does not improve, the appropriate Director/Manager sends a warning letter. The letter (with a copy to the CAO) advises that future unsatisfactory performance will result in actions such as removal from the approved contractor/service provider list for Public or Short Form Tenders and that that they may be precluded from tendering future work.

Unacceptable Contractor/Service Provider Evaluation

If a contractor/service provider performance is rated as unacceptable, it can be barred from submitting further bids.

Upon contract completion, the DSB Tender Award Committee is provided with a report from the appropriate Director/Manager which includes:

- reference to the contract clauses that have been breached
- the circumstances leading to the recommendation to bar
- the amount of damages, if any
- the recommended period of barring
- conditions to be met for reinstatement

After reviewing the supporting documentation, inspection and evaluation forms, and determining whether it considers barring to be appropriate, the Tender Award Committee informs the contractor/service provider, in writing, that performance was unacceptable, and of the proposed barring. The contractor/service provider will also be informed that they have the right to make representations to the Tender Award Committee on why such barring should not take place. If a decision is made to bar the firm, the Tender Award Committee provides written notification to the contractor/service provider contractor that they will be precluded from tendering future work for a specified period of time, any other restrictions and the conditions for reinstatement.

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A copy of the notification letter to the contractor/service provider is sent to the CAO.

If the Tender Award Committee decides performance is unsatisfactory but barring is not warranted, the Committee notifies the contractor/service provider, in writing, of any restrictions including size, type or number of tenders that would be considered.

Appeals

The Tender Award Committee would hear appeals from contractor/service provider who are dissatisfied with initial decisions.

Reinstatement

Firms wishing to be reinstated make a request in writing, to the Tender Awards Committee providing evidence that the firm has satisfactorily completed work for other clients during the restricted period.

The Tender Award Committee reviews the request and determines whether or not to reinstate the firm. The Tender Award Committee notifies the contractor/service provider and CAO.