



PUBLIC PROCUREMENT GUIDE for Municipalities and the *Right to Information and Protection of Privacy Act*

April 2013

This GUIDE will assist Municipalities in determining what information is confidential or which information that can be released at each stage of the public procurement process.

During the procurement or tendering process, Municipalities collect a lot of information from various bidders. Access to information and public procurement rules both ensure that the public obtains only the information it is entitled to receive.

These rules provide the appropriate level of confidentiality of sensitive business and personal information while promoting fairness and accountability in the public procurement process.

CALL FOR TENDERS

- Tenders must be publicly advertised for the following purchasing thresholds:
 - Goods over \$25,000
 - Services over \$50,000
 - Construction over \$100,000
- Advertisement must show specific evaluation criteria that will be used to assess tender bids and weighting for each criteria, if applicable
- Advertisement must include tender documents that bidders use
 - Tender documents should indicate that bids received may be subject to release under the *Right to Information and Protection of Privacy Act*
 - Consider adding to the Tender documents this note:

If the Municipality receives a request for information regarding your bid, you will be asked for your consent to release the bid information.

- Therefore, if a request for information is received after a tender has been awarded, the Municipality can send an email or letter to the bidders asking for their consent to release their bid information:
 - If bidder says Yes, Municipality can release the information.
 - If bidder says No, Municipality explains to person who asked for the information that bids remain confidential and there was no consent to release the information.



BIDS DEPOSITS UNTIL CLOSING DATE

- Bids received are sealed until closing date of tender period
- Not even the number of bids received during tender period can be disclosed before closing date
- All bids received must remain sealed and securely stored until closing date

CLOSING DATE AND OPENING OF BIDS

- Bids are only opened at public meeting
- **Only the** Names of bidders and total price of each bid must be made public
- No other information is made public at this time
- Contents of bids remain confidential

BID EVALUATION PROCESS

- Bids remain confidential during evaluation process
- No information is made public at this time

AWARD OF TENDER

- Public announcement: **ONLY** the Name of successful bidder and total bid price
- Notices to unsuccessful bidders issued to inform of outcome
- Unsuccessful bidder has the right to request a debrief meeting
 - Entitled to receive results of evaluation on all criteria used to compare bids of the unsuccessful bidder and the successful bidder
 - Unsuccessful bidder cannot access information regarding other unsuccessful bidders
- Public still does not have access to information in bids
- Information in bids continue to be treated by Municipality as confidential to protect sensitive business information from being disclosed, especially to competitors