

THE CORPORATION OF THE CITY OF VAUGHAN

CORPORATE POLICY

POLICY TITLE: FAIRNESS MONITOR POLICY

POLICY NO.: 15.A.04

Section:	Procurement		
Effective Date:	July 1, 2023	Date of Last Review:	June 26, 2023
Approval Authority: Administration	Policy Owner: DCM, Legal and Administrative Services & City Solicitor		

POLICY STATEMENT

This policy establishes the criteria for Procurement Services to determine when a Fairness Monitor should be engaged to observe and assess all or part of a procurement.

PURPOSE

A Fairness Monitor may be required to review and provide impartial feedback on whether a procurement was conducted in a fair, open, and transparent manner and in accordance with City policies and procedures.

SCOPE

This policy applies to all City of Vaughan procurements.

LEGISLATIVE REQUIREMENTS

The *Municipal Act, 2001*, S.O. 2001, Chapter 25, Part VI, Section 270(1) stipulates that a municipality shall adopt and maintain policies with respect to its procurement of goods and services.

Corporate Procurement Policy #15.C.03 was adopted by Council on May 16, 2023.

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DEFINITIONS

1. **“Bidder”** means any legal entity that submits a bid.
2. **“City”** means The Corporation of the City of Vaughan.
3. **“Fairness Monitor”** means an independent third party whose role is to observe all or part of a procurement process, to provide related feedback on fairness issues to the City and to provide an unbiased and impartial opinion on the fairness of the observed procurement process.
4. **“Procuring Department”** means the City department requesting the procurement.

POLICY

1. Fairness Monitor Role & Responsibilities

- a. The Fairness Monitor does not guarantee that the best or lowest bid is chosen and has no role in the evaluation or selection process except to monitor its compliance with policies and procedures.
- b. The Fairness Monitor will not offer legal advice or opinion. They are limited to reviewing for the benefit of the parties involved that there has been adherence to stated procedures and a fair opportunity for all qualifying bidders to participate in the selection process.
- c. As part of the Fairness Monitor’s contracted services, a report shall be provided to both Procurement Services and the Procuring Department, summarizing the findings of the Fairness Monitor.

2. Services

Fairness Monitoring services include (but not limited to) the following:

- a. Reviewing the bid documents, evaluation criteria and selection process in advance of bid evaluation processes;

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- b. Providing Fairness Monitor and advisory services to the Bid Evaluation Committee in support of their review of proposals received in response to the solicitation;
- c. Providing orientation to the Bid Evaluation Committee as required during the evaluation process;
- d. Working with Procurement Services to oversee appropriate communications with suppliers and ensuring completeness / accuracy of the evaluation file;
- e. Supporting Procurement Services in providing debriefings with unsuccessful Bidders (if required) as per applicable policies and procedures; and
- f. Other related duties as determined by Procurement Services.

3. Criteria

A Fairness Monitor may be engaged by Procurement Services on behalf of a Procuring Department(s) if a procurement includes any of the following criteria:

- a. It is considered a project of high public interest;
- b. Where the procurement involves sensitive information;
- c. If a procurement is perceived to create potential risk to the City;.
- d. If a Fairness Monitor is otherwise recommended by the Director of Procurement Services.

4. Assessment

- a. Procurement Services will review the Procuring Department's specifications and or scope of work to determine if the procurement meets any of the above criteria.
- b. If it is determined that a Fairness Monitor is required, Procurement Services will notify the Procuring Department.

5. Budget

- a. Procurement Services will attain competitive pricing to determine the

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total cost of the Fairness Monitor's services.

- b. The Procuring Department is responsible for the total cost of the Fairness Monitor.
- c. The Procuring Department is responsible for the cost of the services of a Fairness Monitor, and it may be considered as part of the project costs to which the procurement is related.

ADMINISTRATION

Administered by the Office of the City Clerk.

Review Schedule:	4 Years <small>If other, specify here</small>	Next Review Date:	June 26, 2027
Related Policy(ies):	15.C.03 – Corporate Procurement Policy		
Related By-Law(s):			
Procedural Document:			
Revision History			
Date:	Description:		
6-Jun-23	Policy created		
26-Jun-23	Policy approved by Policy Committee		
10-Jul-23	Review schedule updated to align with Corporate Procurement Policy		