



APPENDIX A

28 February 2008

Ottawa Congress Centre Redevelopment Program Procurement Policy

DEFINITIONS

Amount – The consideration to be given by OCC under the terms of the contract,.

Award – The notification to a bidder that a bid or proposal is accepted.

Best Value – The combination of price, technical merit, and quality, as determined by OCC prior to the bid solicitation and set out in the bid solicitation evaluation criteria, and which forms the basis of evaluation and negotiation between buyer and seller to arrive at an acceptable basis for a purchase and sale.

Bid Bond – Acceptable security, as decided in OCC's sole discretion, given by proponents/bidders to indemnify the contracting authority, within specified financial limits, against a contractor's failure to enter into a contract notwithstanding their being the preferred proponent or winning bidder. Bid bonds are not limited to, but can be in the form of cash/certified cheque, a surety bond, a payment bond, and a letter of credit.

Competitive Contract – A contract where the process used for the solicitation of bids enhances access, competition and fairness and ensures that a reasonable and representative number of suppliers are given an opportunity to bid by:

- giving public notice, using traditional bidding procedures (such as a suppliers list, etc.) and in a manner that is consistent with generally accepted trade practices, of a call for bids for a proposed contract, and where:
- in the case of a call for bids, the lowest bid or the bid that offered best value, as set out in the evaluation criteria in the bid solicitation and determined by the contracting authority, was accepted; or
- in the case that only one bid, compliant with the mandatory criteria set out in the bid solicitation was received and fair value was obtained.

Confidential Information – all information and work product regarding the OCC and/or the Redevelopment Program and its affiliates or clients, or any of the business affairs, liabilities, assets, plans or prospects of the OCC and/or Redevelopment Program and its affiliates or clients, received during or as a result of the provision of services, whether originating from the OCC and/or Redevelopment Program or any other source.

Consultant – An individual or firm that provides either advice or a professional service.

Consulting and Professional Services – Services provided by individuals with significant training, qualifications and expertise in a professional, scientific, technical or managerial field. For example, the term “professional” has legal connotations for certain professions; for other occupations it denotes accepted evidence of a degree of competence.

Contract – An executed agreement or binding oral commitment between OCC and a person or firm to provide a good, perform a service, construct a work, or to lease real property for appropriate consideration.

Contract Amendment – An agreed addition to, deletion from, correction or modification of a contract.

Disbursements – Direct out-of-pocket expenses incurred.

Electronic Bidding – A method of procurement that promotes suppliers’ access to, and transparency in, the procurement process and facilitates receipt of best value, by using public notice through an approved electronic information service of procurement opportunities (e.g., MERX).

Emergency – A situation where delay in taking action would be injurious to the public.

Fair Value – The price that would be agreed to in an open and unrestricted market between knowledgeable and willing parties dealing at arm’s length who are fully informed and not under any compulsion to transact.

The word “fair” implies a concept of a market which is not disturbed by unpredictable economic factors.

The value of a good or service as determined by negotiation between buyer and seller and which value would be acceptable as a basis of a purchase and sale.

Funding Partner Agreement – Agreements with federal, provincial and municipal governments to fund the Redevelopment Program.

Performance Bond - Acceptable security, as described and defined by OCC in an RFP or Tender, given by a proponent/bidder to indemnify OCC, within the specified financial limits, against the successful proponent/bidder's failure to complete the terms of the contract. Performance bonding requirements in a tender or RFP will describe the type of security that is acceptable (for example, but not limited to surety bond, payment bond, performance bond, parent guarantee and/or letter of credit). The Tender or RFP will also describe whether the bonding/surety required is for labour and material payments only, full performance of all terms, or both.

Project Management Authority – The Development Advisor, Chair of the Expansion Committee of the OCC Board of Directors, Chair of the OCC Board of Directors, the OCC Senior Vice President of Redevelopment and Client Service, and the President of the OCC.

OCC Project Team – The Development Advisor, the President, OCC Management, the Project Manager and legal advisors (as deemed necessary).

Procurement – The function of obtaining goods and services and carrying out construction and leasing through contractual arrangements.

Proposal – A tender, bid or offer, either unsolicited or submitted in response to an invitation. A proposal is usually requested when a contractor is to be chosen on the basis of the performance offered rather than on price alone. Proposals may require details such as the firm's qualifications and experience and the identification of problems and proposed solutions.

Public Notice – An announcement on an approved electronic information service, in one or more newspapers, or by means of some other accepted media.

Redevelopment Program – A project to demolish and rebuild the Ottawa Congress Centre.

Standing Offer - An offer from a potential supplier to supply goods, services or both, on the pricing basis and under the terms and conditions stated in the standing offer.

Statement of Work - The specification of the work a contractor is required to do.

Valid Bidder – A bidder or proponent whose priced offer is either unsolicited or is in response to a solicitation that meets all the requirements stipulated in that solicitation.

Vendor – The selected supplier of a good or service.