

BUCKHAM TRANSPORT LIMITED

Apr. 12, 2012

City of London
Finance & Administrative Services Committee
2nd Floor, City Hall
300 Dufferin Ave.
London, ON
Attn: Heather Woolsey

Dear Committee Members and Members of London City Council:

Re: Request for Quotation 12-24 Municipal Hazardous and Special Waste Service

Buckham Transport has offered the service of household hazardous waste removal and disposal to the City of London for greater than 5 years. We submitted a bid for the above noted Quotation request. We have since been advised by Mr. Geoff Smith, Procurement Specialist, City of London that although we are the lowest bidder the City is hesitant to award this contract to Buckham Transport due to a minor addendum omission technicality.

Background

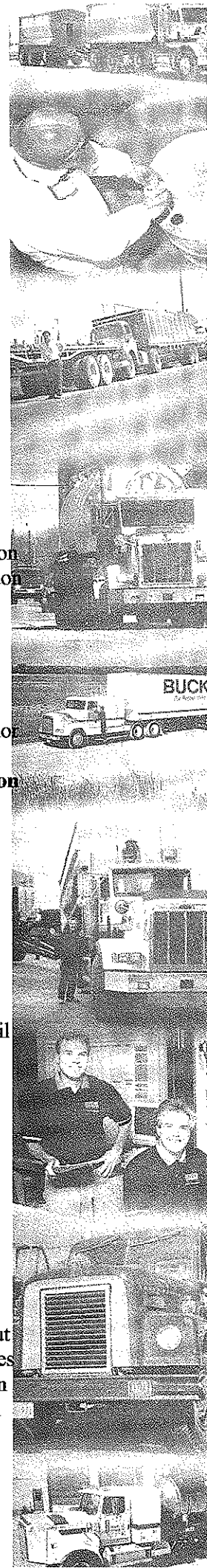
I emailed a question relating to the tender on March 14th, 2012 at 09:35. As I had not received nor seen an addenda responding to my query I emailed Mr. Geoff Smith on March 15th, 2012 at 15:50. On March 15th at 16:07 Geoff responded with **“we will be sending out an addendum on Friday answering your question and others. Sorry for the delay, I have just received the information this afternoon.”** (See attached). I awaited the Addendum via email as promised. Nothing was received. I couriered our bid at 16:30 on Friday March 16th in order for the City to receive it prior to Tues. Mar. 20th at 14:00.

On Tues. March 20th I checked the London web-site to see if the tender had been awarded and was shocked to see that a second Addendum was in fact posted unbeknownst to us. Note the addendum was only “posted” but not “sent” per Geoff’s email to me. (As we were a registered bidder it may have been more prudent for the City to email out the Addendum to those on the registered bidders list. Especially so close to the submission deadline). At the very least an email could have been sent advising bidders to check the website for Addendum #2. The purpose of having bidders register with an email address is to ensure all addenda are received. This is standard practice amongst most if not all municipalities. Regardless of whether addendum #2 was acknowledged in no way does it alter our bid.

When advised by Mr. Geoff Smith of the omission and the fact that we may not be awarded the contract despite being the lowest bidder he advised me of the appeal process.

Action Taken to Date

Per Sect. 2.9 of the Procurement of Goods and Services Policy (City of London) on Mar. 23rd I met with the Manager of Purchasing and Supply Mr. John Freeman and Mr. Geoff Smith without success and at a second meeting along with Buckham Transport Vice-President Mr. Jason Hedges (Apr. 11) again with Mr. Freeman, Mr. Smith and also City Treasurer Mr. Martin Hayward again without success. Mr. Freeman has expressed his fear at both meetings of a possible lawsuit from



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other bidders if this tender should be awarded to Buckham Transport as we did not submit the second addendum. This fear is unfounded as you will see below.

Reminder

We wish to remind the City of its rights, which would prevent any such lawsuit: Please see below:

1. Section 4.1 d. of the Procurement of Goods and Services Policy document under General Responsibilities which reads “ *No provision of the Policy precludes a Director or the Manager of Purchasing and Supply with the concurrence of the Executive Director from recommending an award to Committee and City Council where: i in the opinion of a Director, it is in the best interest of the City to do so; or; ii it is a matter of procurement procedure and, in the opinion of the Manager of Purchasing and Supply, it is in the best interest of the City to do so*”
2. Item #17. Reservations for Rejection and Award of the Quotation 12-24 Municipal Hazardous and Special Waste Service which reads: “*The City reserves the right to accept or reject any or all bids or parts of bids, to waive irregularities and technicalities and to request re-bids on the required materials(s).....*”

Request

We firmly believe that the taxpayers of the City of London are entitled to:

1. A contractor with the necessary permits, experience, and expertise and
2. The lowest cost possible provided by a (qualified) bidder

Recognizing that during times of fiscal restraint London ratepayers should not be penalized by excessive cost due to the City not exercising either of the above rights. Buckham Transport deserves to be awarded the Household Hazardous Waste contract as we are qualified and offer the lowest possible cost. The ratepayers deserve no less.

Sincerely,



George Rankin
Environmental Office Administrator
Buckham Transport Ltd.

cc: Mrs. Catherine Buckham, President, Buckham Transport Ltd.
Mr. Jason Hedges, Vice-President, Buckham Transport Ltd.

Enclosure

George Rankin

From: "Smith, Geoff"
Date: Thursday, March 15, 2012 4:07 PM
To: "George Rankin"
Subject: RE: Quotation 12-24

Hi George,

Yes, we will be sending out an addendum on Friday answering your question and others. Sorry for the delay, I have just received the information this afternoon.

Regards,

Geoff Smith, CSCMP
Procurement Specialist - Purchasing and Supply Chain
Corporation of the City of London
Phone: (519) 661-2500 ext. 4719

From: George Rankin
Sent: Thursday, March 15, 2012 3:51 PM
To: Smith, Geoff
Subject: Quotation 12-24

Dear Geoff:

Will the City be responding to my email enquiry of yesterday (see below). I will need a response before we submit our bid which needs to leave here tomorrow.

Thanks!

George Rankin
Environmental Office Administrator
Buckham Transport Ltd.

Mr. Smith:

In reference to Q12-24 MHSW tender
Please address the following as an addendum

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"The successful bidder shall provide all shipping containers, and all packaging materials, including vermiculite, required for the transportation of waste"

For Phase One material under the S.O. incentive program (paint, batteries, propane) whereby the successful bidder is only the transporter of said waste who is responsible for the supply of drums and/or boxes? As these drums are not being returned to the transporter the cost of supplying drums and/or boxes is prohibitive. A typical drum costs approx. \$25. Boxes are in the neighbourhood of \$15. Why would a transporter purchase drums that are not being returned to them? Should the City not be responsible for purchasing drums and/or boxes for Phase One material only?

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