



Unsolicited Proposals

Contracts with Metro Vancouver (MV) generally result from either a formal solicitation process through public advertisement or informal requests by private invitation. This includes contracting for the supply of goods, services and construction as well as other business opportunities.

MV also welcomes thoughtful, non-traditional, value-added ideas in the form of unsolicited proposals. An unsolicited proposal is one that is not the result of either a public advertisement or an informal request by MV.

MV's goals are to:

- encourage innovative and creative business solutions
- ensure the attainment of value for public funds or resources
- provide ways for qualified proponents to have the opportunity to do business with MV and to be treated fairly.

The procedures below will help guide proponents on how to submit such proposals. They also explain what happens to a proposal after MV has received it.

Public Notification

If a proposal is evaluated favourably, prior to a contract award MV will advertise a *Notification of Intent to Contract* primarily on the MV website. It informs all potential contractors that negotiations leading to an award with a named contractor will take place without a competitive process, unless others object.

If the *Notification of Intent to Contract* results in one or more viable objections, MV staff may engage in a competitive process, negotiate with one or more firms concurrently or cancel the entire process.

Procedures

An unsolicited proposal may proceed through the following four stages. At any stage, MV reserves the right to cease its review or consideration of any unsolicited proposal.

Stage 1

Upon receipt of an unsolicited proposal, MV may vet the proposal based on the information received to determine if further investigation is warranted.

Stage 2

If it is determined that the proposal warrants further review, MV may assign staff to investigate.

Stage 3

If the proposal is evaluated favourably, prior to negotiations and award of a contract, MV will advertise a *Notification of Intent to Contract*.

Stage 4

If the *Notification of Intent to Contract* does not result in any viable objections, MV may negotiate with the proponent to reach mutually acceptable contract terms and conditions. Contract award and execution must be in accordance with existing corporate contracting procedures. If the *Notification of Intent to Contract* results in viable objections, refer to the Public Notification section above.

During the evaluation/investigation of an unsolicited proposal, MV may take into account, but is not limited to, these considerations:

- the uniqueness or innovation of the proposal
- technical merits
- need
- availability of funding
- costs/benefits
- qualifications and experience of the company submitting the offer
- sustainable aspects as defined above.

Content of Unsolicited Proposal

Metro Vancouver cautions proponents that it is subject to and must comply with the *Freedom of Information and Protection of Privacy Act*. Under the Act, information in MV's custody or under its control, including information received from a proponent, may be required to be disclosed.

If invited to participate in Stage 2 as noted above, MV may ask proponents to submit additional information for consideration. Such information may include:

- proponent's name, address and contact information
- date of submission
- a concise title and abstract of the proposed offer
- a clear statement of the objectives of the offer and how the proponent is uniquely qualified to offer the goods/services
- the benefits that will be derived by MV should it pursue the offer and/or how the offer addresses MV's current or future needs
- MV department(s) envisioned as benefactors of the proposal (if known)
- the names of any MV staff with whom the proponent may have discussed the unsolicited proposal
- a clear statement of the sustainable aspects of the proposed offer including environmental, social and economic benefits to MV and other communities and how the proposal will advance MV objectives related to the Sustainable Region Initiative
- proposed price or revenue expectation to MV
- proposed contract term
- type of support needed by MV, e.g., facilities, equipment, personnel resources etc.

- proponent's previous experience with similar initiatives and contact names and phone numbers for references

MV encourages all proponents to submit information in writing and in a clear, concise and summary format to facilitate an objective and timely review.

General Conditions

- MV is under no obligation to perform a comprehensive, or any, evaluation of any unsolicited proposal.
- MV reserves the right to consider or reject any unsolicited proposal in whole or in part at its sole and unfettered discretion.
- If it is determined that the unsolicited proposal is principally for the procurement of routine goods and services, MV's standard purchasing procedures will apply and no further evaluation will be performed.
- All costs associated with submitting an unsolicited proposal, including any subsequent demonstrations, presentations, negotiations, etc., is the sole responsibility of the proponent submitting the proposal.
- The submission of an unsolicited proposal is done entirely at the proponent's risk and confers upon MV no contractual obligations whatsoever.
- A favourable initial review by any MV staff or proceeding to a Notification to Intent to Contract in no way implies intent to contract with or a contractual arrangement between the proponent and MV.
- MV is under no obligation to return an unsolicited proposal to the owner.
- MV will take reasonable measures to keep confidential any proprietary information contained in an unsolicited proposal subject to its statutory obligations under the *Freedom of Information and Protection of Privacy Act*.
- By the submission of an unsolicited proposal, the proponent agrees to indemnify and save harmless MV from and against any claims related to copyright, patent infringement, intellectual property rights or the like.