



Corporation of the City of Cornwall

Department:	Financial Services	Policy Number :	FI.pu01-02
Sub-Section:	Purchasing	Effective Date :	05/15/2001
Council Approval :	05/14/2001	Revision Date :	11/26/2007

Policy Title : Discipline Contractors

Purpose:

To provide for a discipline process allowing the Corporation of the City of Cornwall to restrict contractors/vendors when and where required.

Policy Description :

To share information throughout all municipal departments where contractors may not be allowed to bid on public contracts and/or may not be awarded such contracts for a specific time period.

Objective:

This policy shall ensure that each municipal department has a consistent approach for managing contracts for work performed by independently hired contractors by:

- a) Meeting the terms and conditions of tenders, quotations or request for proposals;
- b) Respecting completion dates;
- c) Disciplinary action taken where warranted;
- d) Intended products and/or service are efficiently and effectively delivered;

Types of Disciplinary Action:

Disciplinary measures may include but not limited to restrictions on:

- a) The type of work for which bids can be submitted by the contractor;
- b) The number of contracts that can be awarded until satisfactory completion of existing contracts;
- c) Dollar value of bids that may be accepted by the Corporation on behalf of the contractor;
- d) Contractor being barred from bidding for varying periods of time (minimum of one (1)

year);

Conditions Necessary for Discipline or Barring of Contractors:

Discipline or barring may be considered (but not limited to) under the following conditions:

- a) Performing work unsatisfactory;
- b) Failure to meet completion dates, failure to follow instructions, etc.;
- c) Failure to comply with health and safety requirements, maintaining and keeping all municipal and/or any other licenses, or approvals necessary to permit them or their employees or the Company to carry out the requirements of the contract, etc.;
- d) Withdrawing from a tender after the contract was awarded;
- e) Failure to comply with the terms and/or conditions of the contract;

Where a situation or problem has been identified with a contractor, the department manager or designate shall take action to immediately correct the situation. The action should be with a verbal warning with a notation made to the respective file and progress with written warning copy of which shall be provided to Purchasing Services.

The manager or designate is to notify the contractor in writing and schedule a meeting between the Contractor, manager or designate and the Purchasing Agent (or designate) to discuss the situation. The contractor is given a clear statement of the corrective action required and date (if applicable) for compliance. The meeting is documented and filed.

Should the contractor's performance or situation not improve, the Manager shall send the contractor a written warning advising that future unsatisfactory performance will result in immediate action(s) such as those listed under the section Types of Disciplinary Action, including removal of the contractor from the bidder's list for a specific time period (minimum of one (1) year period). Purchasing Services are to be notified when a bidder is ineligible to continue to provide goods and/or services on a current contract or participate on future city contracts.

If the situation hasn't been rectified after the written notice, a final letter after consultation with the Purchasing Agent will be forwarded to the contractor advising him of the action(s) being taken by the Corporation.

The evaluation and determination of the discipline process performed by Management of the Corporation of the City of Cornwall shall be final.