



## ALTERNATE DISPUTE RESOLUTION PROCESS

As part of the Alternative Dispute Resolution process (ADR), directly related to the competitive bid process, any Proponent who has asked to participate in the ADR process will be provided with information typically in the form of a debrief from a member of the purchasing staff and/or evaluation team member as applicable. The debrief is designed to promote understanding of the bid process that occurred and assist Proponents in improving their future bid submissions.

The award of any contract shall not be rescinded or the progress of any project shall not be delayed by a request for use of the ADR Process, unless recommended by the involved Branch or Service Area Manager and the Chief Executive Officer.

**Note: Any information provided to a Proponent through this process and/or any information provided by the Proponent to the Library will remain confidential wherever requested, provided that it complies with MFIPPA.**

The step by step procedure to be followed for the ADR process is as follows:

1. A written request for an explanation of the contract award must be received by the Library within seven (7) days of the published award decision. Within fourteen (14) days of this request, or such later date as may be mutually agreed upon, a bid debriefing will take place with a member of purchasing staff and evaluation team member, if applicable. Only details from this Proponent's submission will be discussed at this meeting.
2. Should the Proponent continue to have concerns following the meeting described above, that Proponent may request in writing within seven (7) days of the first meeting, an award debriefing session with the Deputy Chief Librarian, involved Branch or Service Area Manager and Purchasing staff. This meeting shall take place within fourteen (14) days of the request described above, or such later date as may be mutually agreed upon.
3. At this meeting, the successful Proponent for the specific contract in dispute shall be identified, and the reasons why the contract was awarded to that Proponent will be discussed at this meeting. However, this would not include any proprietary information respecting any bids.

4. If the Proponent continues to have concerns respecting this specific contract award and the decision made respecting same, the Proponent may then request a meeting with the CEO, the Manager from the Service Area involved, Town Purchasing staff as well as Library Legal Council as applicable. This request must be received in writing within seven (7) days following the meeting described in Point #3. above, and the meeting shall take place within fourteen (14) days of that request or at such later date as may be mutually agreed upon.
5. If the Proponent continues to be dissatisfied, the Proponent may then request a further review by the CEO, the Board Chair and the Library's Legal Council. Such request shall be received within seven (7) days of the meeting described in Point #4. above, and this review of the matter shall take place by the CEO, the Board Chair and the Library's Legal Council within fourteen (14) days of the request. At the point that the written request is made, the Proponent shall provide a written summary of its position. As part of their review, the CEO and the Board Chair may request a meeting with the Proponent in advance of reaching their conclusion(s).
6. Following the review described in Point #5. above, the CEO, the Board Chair and the Library's Legal Council, may recommend, or the unsuccessful Proponent may ask the Library to appoint a mediator to assist in trying to resolve any outstanding issues between the parties. This mediator shall not have the authority to make a binding decision, but shall make their best efforts to assist the parties to reach a mutually acceptable solution.
7. Alternatively the CEO and the Board Chair, or the unsuccessful Proponent, may ask for the appointment of an arbitrator to be appointed by the Library. Such an arbitrator is to render a final decision in writing within three months following the request. Costs for the mediator and/or arbitrator, as the case may be, shall be equally shared by the parties and a bond for half of the total estimated associated costs shall be posted by the unsuccessful Proponent in advance of the process beginning. Any resolution reached through the mediation or arbitration process shall remain confidential if requested by either of the parties.