REQUEST TO SPEAK TO A COMMITTEE OF COUNCIL

If your request is for a specific committee meeting, this form must be received by NOON the day before the scheduled committee meeting. Requests for Monday meetings must be received the Friday before the meeting. Requests for meetings scheduled for the day after a statutory holiday must be received the last business day before the meeting.

Standing Committee Requested

☒ Audit and Administration
☐ Board of Health
☐ Committee of the Whole
☐ Economic Development & Planning
☐ Emergency & Community Services
☐ Public Works

Requester Information

Name: Mark Wills

Name of Organization: Geoware Inc.

Do you or your organization represent a lobbyist (voluntary)    ☐ Yes   ☒ No

Contact Number: 800-900-4252_X405

Email Address: markw@geoware4.com

Mailing Address: 101 Randall Drive, Unit B Waterloo, ON

Reason(s) for delegation request: Please see attached.

Will you be submitting a formal presentation?  ☒ Yes  ☐ No

Requests to speak to Council are forwarded to the Standing Committee for consideration. Once considered by Committee, and approved, you will be notified of the date for your presentation. Personal information collected on this form is authorized under Section 5.10(2) of the City’s Procedural By-law No. 03-301 for the purpose of contacting individuals and/or organizations requesting an opportunity to appear as a delegation before a Standing Committee and will be published with the Committee Agenda. The Voluntary Lobbyist Registry is a public document and will be available for viewing in the City Clerk’s office. The Procedural By-law is a requirement of Section 238(2) of the Municipal Act. Questions about its collection can be directed to the Manager Legislative Services, 77 James St. N., Suite 220, Hamilton, ON L8R 2K3 905 546-2424 ext. 5409.
Reason(s) for delegation request:
On October 27, 2009 Geoware Inc. submitted a proposal to the City of Hamilton, in response to RFP C11 – 55 – 09, for the Supply of Professional Services and Delivery of Weigh Scale Software System for The Waste Management Division. On Wednesday December 9, we provided an on site demonstration of the functionality described in Section 3.0 of the RFP.

On January 11, 2010 we were informed that we had failed to meet the minimum functionality benchmark in the software demonstration and that although results were unofficial our price envelope would not be opened. We followed the City’s purchasing process as presented in the Purchasing Policy By-Law to get clarification regarding our failure to achieve a pass in the evaluation of our product demonstration. On January 12, we contacted the purchasing representative assigned to the RFP, Ms. Adriana Thibault, and requested a meeting to present our concerns. Ms. Thibault replied on January 14, saying she had requested meeting times and that she was awaiting a response from the department. She requested that we submit any specific questions to her. Late on January 14 we submitted the following three preliminary questions to Ms. Thibault, via this email.

Hi Adriana,

The detailed demonstration requirements provided by the City in section three of the RFP were very helpful in preparing our presentation. It defined both the content and framework, down to the sub-point level, of our demonstration. We felt this was the most effective way to align our demonstration with this part of the City’s evaluation process. Would there have been a more effective way to demonstrate compliance with the requirements?

When delivering the demonstration we identified each requirement being met, both by its description and reference to its number as we demonstrated it. At the end of each page of the demonstration script we asked if there was anything else the evaluators needed to see. Throughout, we recorded a few questions and responded to most of them during the demonstration. We did take a couple of items away and responded with answers and examples the next day. Would there have been a more effective way to confirm compliance?

We have a very hard time reconciling our experience during the demonstration and the few items identified by the evaluators, with a failure to reach an 80% compliance level. To this end, which requirements did we not comply with, resulting in this low evaluation?

Any clarification you can provide regarding our approach to the process, the specifics of our response, and the City’s evaluation will be greatly appreciated.

Thanks again,

Mark
On January 15, Ms. Thibault acknowledged the receipt of our questions and indicated that she had passed them along, asking that the department prepare a response and that a meeting to discuss them would be arranged. We were also told that we could not expect a response before the following week. I would like to note that during this period the status of the RFP on the City's web site was listed as "Under Review".

Two weeks later, on January 28, I contacted Ms. Thibault about the progress with answering our questions and offering to supply additional information or clarification. I then called Ms. Thibault on February 5 and left voice mail regarding the status of our questions and meeting. We later found out that during this period the City had awarded the contract, on January 21.

Ms. Thibault responded via email on February 5, to my voice mail and indicated that although the department had provided a response to our questions she had returned it to them, asking for further detail and indicating that she hoped to have the response to us early next week.

On February 9, we were surprised to see that the status of the RFP on the City's web site had been changed from "Under Review" to "Successful Bidder". I called Ms. Thibault and she confirmed that the City had indeed proceeded to award the contract sometime earlier, without addressing our concerns. I expressed my extreme concern and disappointment and asked Ms. Thibault if our questions would ever be answered and when and how I could escalate my concerns. Ms. Thibault indicated that she was still awaiting the revised response from the department and that I could send a letter of complaint to the Manager of Purchasing, Ms. Angela Boakes. I sent my letter within hours and received a response from Ms. Boakes, via Ms. Thibault, later the same day (Feb. 9) including the response to our questions, as follows:

Mark,

Email response below per Angela Boakes.
Thank you,
Adriana

Dear Mr. Wills,

I am in receipt of your email dated today, regarding your complaint for Contract C11-55-09 for the Supple of a Weigh Scale Software System for the Waste Management Division.

I understand that you have patiently waited for a response from the City with respect to feedback by the evaluation team to better understand your score.

Below is the email response from the department on behalf of the evaluation team. I would ask that you review the information and should you still have concerns or additional questions, we can set up a meeting with the department to further discuss.

Kind regards,

Angela Boakes

Angela Boakes, CIM, CPPO Manager of Purchasing Purchasing Section
City of Hamilton
Phone: 905.546.2424, extension 2796 Fax: 905.546.2327
Response from Waste Management:

This e-mail is in response to your previous e-mail regarding Step 1 - Phase II Demonstration of Weigh Scale Software System. As you know each Proponent had to achieve a minimum Benchmark score of 240 (80%) to proceed to Step 2 - Cost Proposals. Geoware did not receive the minimum Benchmark score and thus did not qualify for Step 2.

The purpose of the demonstration was for Proponents to demonstrate the functionality of their system software to meet the City's requirements as specified in the RFP. To that end the demonstration evaluation scores were based on the capability of the system software to meet those requirements. A score which did not meet the minimum Benchmark was based on either not demonstrating a key attribute(s) or the software does not have or offer that functionality(s).

Geoware's software did not meet the minimum requirements in several areas. These areas include the following: System Configuration, Transaction Input, Payments and Deposits, Report, Usability, and External Integration.

* 3.4 - did not fully demonstrate credit card processing, system did not have the ability for blind cash counts, and complete automated/unattended system unavailable. Manual transactions entered through editor (if user does not have access to editor then cannot perform this function).

* 3.5 - the debit/ credit card processing is not fully integrated, demonstration did not fully explain process.

* 3.7 - balance report not shown for mass balancing of tonnes. Balance report forwarded via e-mail utilizing "Data Warehouse" application but application was not demonstrated. Alert notification is weak. No allowance to add codes.

* 3.10 - field level and screen level help is not available/provided u

* 3.11 - there was no availability of external devices for security software e.g. CCTV system, surveillance, etc.

Based on the reasons identified Geoware's demonstration did not meet the minimum Benchmark.

Thank you.

After reviewing the response I sent Ms. Boakes an email on the morning of February 10, expressing deep concern about the response from the department and indicating that rather than answering our concerns about the evaluation process it had magnified them. I provided her some detailed explanation of my concerns but made it clear that our biggest concern was that the few mostly minor items identified by the department, when reflected against the substantial list of functionality required in section 3 of the RFP didn't represent even 10%, let alone 20%, of the requirements by volume or complexity. On February 12, I received a response from Ms. Boakes, again via Ms. Thibault, indicating that she had received my response, had forwarded it to the department, and would be in touch in the near future. On February 16, I received a request from Ms. Thibault to attend a meeting at the Purchasing offices on Friday, February 19th at 8.30 am.

We did attend the meeting of February 19. We were informed that nothing could be changed because the contract had been awarded and that the City "cannot overturn an award". Unfortunately, no additional explanation was provided as to how we had failed to achieve the minimum benchmark, until it was revealed that fully meeting the requirements provided in section 3.0 of the RFP, would only result
in an evaluation of 80% (the minimum benchmark score). Since this constraint was not documented in the RFP and this was the first we had heard of it, in over a month of waiting for a response, we asked for clarification and it was provided; had we demonstrated 100% of everything the City documented as its requirements in the RFP we would only achieve a score of 80%. There was apparently another undocumented, undefined 20% available that could be awarded at the discretion of the individual evaluators.

This represented another fundamental violation of the intent, and we would argue the letter, of the City's Purchasing Policy By-law. At this point we decided to end the meeting and seek direction on our next steps in getting answers to our questions and our concerns addressed.