

April 22, 2022

By email: Parvinder.Singh@unityhealth.to

Parvinder Singh
RFSQ Coordinator
Unity Health Toronto
2 Queen St. East, Suite 905
Toronto, Ontario,
M5C 3G7

Regarding: UHT REQUEST FOR PROPOSALS NUMBER: UHT 729-009

Dear Mr. Singh,

The Ontario General Contractors Association (OGCA) represents over 200 general contractors throughout Ontario. We provide the industry with a number of services, including the review of tender documents and the tendering process. This is done in the belief that a clear, concise and equitable set of bidding documents, combined with a fair, open and transparent tendering process, will benefit all of the parties involved: the design professional; the contractor; and most importantly, the owner.

We have been directly advised by numerous OGCA contractors that they are very concerned with the onerous provisions contained in the above noted tender issued by the Unity Health Toronto.

The OGCA finds on behalf of our members that the language tabled in this tender is completely one-sided, onerous and dictatorial in nature and unless the language is amended accordingly, the bidders will have no choice but to qualify their tender submissions or refrain from bidding this project entirely.

The onerous language in question is found in the Part 3 – Evaluation of Submission, specifically:

3.2 Stage I - Review of Mandatory Requirements (Pass/Fail)

Stage I will consist of a review to determine which Proposals comply with the following mandatory requirements:

- Confirmation of the Applicant's credit rating

The OGCA finds this procurement requirement to be unnecessary and not in keeping with standard mandatory procurement requests. To date this is the first tender in which the industry is witnessing this request being included and the industry is at a loss for why Unity Health Toronto would need this rating to prequalify a general contractor.

The credit rating of a company is inconsequential in the overall construction procurement process and the OGCA strongly suggests that Unity Health Toronto concentrate their requirements on bonding items that actually pertain to a tender submission. The inclusion of this requirement is confusing and misplaced in a construction tender and it would behoove Unity Health Toronto to remove this to better facilitate the submission process.

Since the general contractors who are prequalifying for this project are not accustomed to providing this new and unprecedented requirement, the OGCA strongly insist that the current contract language must be amended since the provisions tabled by Unity Health Toronto will either cause potential bidders not to submit pricing, or to alternatively qualify the tender submission with the above amendments indicated.

To avoid this the OGCA has provided Unity Health Toronto with a recommendation that is balanced, fair and reasonable and that will not eliminate the number of qualified contractors bidding Unity Health Toronto projects.

The OGCA welcomes the opportunity to work closely with Unity Health Toronto to rectify the proposed language and return the contract provisions to a fair and balanced approach for procurement.

Should you wish to discuss this further or have any questions, please contact Giovanni Cautillo at giovanni@ogca.ca. Alternatively, you can call at 905.671.3969.

We look forward to your response.

Sincerely,
ONTARIO GENERAL CONTRACTORS ASSOCIATION

Giovanni Cautillo
President

