From: Kishimoto, Mike J LCTZ:EX

Sent: Wednesday, October 24, 2012 1:46 PM

To: Martin, Leigh LCTZ:EX
Subject: FW: IN_LDB FOI Request_v3
IN_LDB FOI Request_Jul24.docx

From: Kishimoto, Mike J LCTZ:EX Sent: Tuesday, July 24, 2012 9:59 AM To: Poutney, Richard G LCTZ:EX Subject: RE: IN_LDB FOI Request_v3

Here it is.

Regards

From: Poutney, Richard G LCTZ:EX Sent: Monday, July 23, 2012 7:51 PM To: Kishimoto, Mike J LCTZ:EX

Subject: Re: IN_LDB FOI Request_v3

Whoops forgot to accept changes before I left. Can you accept and re send in the am. Thanks RP

From: Kishimoto, Mike J LCTZ:EX Sent: Monday, July 23, 2012 06:19 PM

To: Poutney, Richard G LCTZ:EX; Agerup, Pelle LCTZ:EX

Subject: Re: IN_LDB FOI Request_v3

Ok sounds good.

From: Poutney, Richard G LCTZ:EX Sent: Monday, July 23, 2012 05:43 PM

To: Kishimoto, Mike J LCTZ:EX; Agerup, Pelle LCTZ:EX

Subject: RE: IN_LDB FOI Request_v3

Lookin' pretty good! Now we see what the com folks do...Thanks! RP

From: Kishimoto, Mike J LCTZ:EX

Sent: Monday, July 23, 2012 5:27 PM

To: Poutney, Richard G LCTZ:EX; Agerup, Pelle LCTZ:EX

Subject: IN_LDB FOI Request_v3

Latest version of the IB. Tracked changes are on.

<< File: IN LDB FOI Request v3.docx >>

Ministry: Labour, Citizens' Services and

Open Government Date: July @, 2012

Minister Responsible: Margaret MacDiarmid

Created by Government Communications and

Public Engagement

LDB FOI Request Regarding Submissions of Proposals

ADVICE AND RECOMMENDED RESPONSE:

- 5 proposals were received prior to the anticipated due date of June 29, 2012 4PM. One proposal was received at 4 PM.
- Proponents signed a declaration of interest document agreeing to the NRFP terms. The terms of the publically posted NRFP did not have mandatory requirements such as a binding closing date and time.
- There was no mandatory deadline for submissions of proposals in this process.
- All proposals that were received were evaluated according to the criteria outlined in the NRFP document.
- The fairness monitor has presided over the procurement throughout the process to date and has provided a fairness letter.

IF ASKED WHEN PROPOSALS WERE RECEIVED:

- Metro Supply Group submitted its proposal via BC Bid at 12:28PM, June 28, 2012.
- Exel Canada submitted its proposal via BC Bid at 16:24, June 28, 2012.
- Hillebrand submitted is proposal via BC Bid at 17:58, June 28, 2012.
- ContainerWorld submitted its proposal via BC Bid at 22:35, June 28, 2012.
- DB Schenker submitted its proposal via BC Bid at 15:27, June 29, 2012.
- Kuehne + Nagal submitted its proposal via BC Bid at 16:00, June 29, 2012.

BACKGROUND REGARDING THE ISSUE:

The Province received a freedom of information request asking for "the list of companies that submitted proposals by deadline (4 pm, June 29, 2012) for the Distribution of Liquor Project (NRFP SATP-301), including the date(s) and time(s) that proposals were received by courier or hand at the 2nd floor reception, 563 Superior St., Victoria or submitted and received electronically".

The Province received 6 proposals in response to the LDB procurement. Four proposals arrived the day before the proposal submission date and the fifth and sixth proposal on the proposal submission date.

Traditional procurements (e.g. in construction or general services) typically contain mandatory requirements (such as closing date and time) that are binding on all parties, which if not met, require disqualification from the process. The LDB procurement process on the other hand

required proponents to sign a declaration of interest document clearly stating that such binding rules do not apply.

In the LDB procurement the Province is under no obligation to disqualify or reject a proposal or proponent that fails to comply with a stated rule or requirement and may allow the proponent to rectify deficiencies in its proposal at any stage during the NRFP process.

The LDB NRFP process, though referencing a proposal submission date and time, did not include a mandatory cut off time, but rather a time for receipt of proposals so that the Province can manage distribution of proposals and evaluation scheduling. In this process there was no absolute deadline after which proposals would not be considered.

The following excerpts from the NRFP demonstrate this clearly:

- a) Section 1.1 page 6 of the NRFP provided an "Anticipated NRFP Schedule" table with "Anticipated Dates" and which included the "Proposal Submission Date" for proposal submissions as "June 29, 2012, prior to 4PM local time, Victoria BC";
- b) Section 1.12, page 8 of the NRFP stated that "Proponents <u>can</u> submit their Proposals by courier or hand delivered or electronically via government's BC Bid system prior to 4pm local time, Victoria BC, of the Proposal Submission Date (June 29th, 2012)";
- c) Section 1.12(a), page 9 of the NRFP states that "Proposals and Proposal Submission Forms should be submitted on or before the Proposal Submission Date in the manner prescribed by this section"; and
- d) Section 2(ff) defines Proposal Submission Date as meaning, "June 29, 2012".

Date (July@, 2012).

Communications Conta	act: Allison Jer	Allison Jensen		3-3929	
Program Area Contact:	Richard Po	Richard Poutney		250 356-0379	
Created:	Jul 3, 2012)			
File path: N:\zz_Citizer	File path: N:\zz_Citizens' Services Communications Office\Operations\Issue Notes\2012\Finals\zz_Miscellaneous\IN_LDB				
Supply Chain Vendor S	Supply Chain Vendor Selection Process FINAL.docx				
Program Area	ADM	DM	Comm. Dir	MO	
RP		KH	DH		

From: Martin, Leigh LCTZ:EX

Sent: Thursday, June 7, 2012 9:32 AM

To: Agerup, Pelle LCTZ:EX; Kishimoto, Mike J LCTZ:EX **Subject:** Re: Call for Records - FOI Request #CTZ-2012-00066

Okay I will set up a call for us and RP later this morn or this aft.

From: Agerup, Pelle LCTZ:EX

Sent: Thursday, June 07, 2012 09:29 AM

To: Martin, Leigh LCTZ:EX; Kishimoto, Mike J LCTZ:EX

Subject: RE: Call for Records - FOI Request #CTZ-2012-00066

Let's talk about it. I see two interpretations of the request.

From: Martin, Leigh LCTZ:EX

Sent: Thursday, June 7, 2012 8:50 AM

To: Kishimoto, Mike J LCTZ:EX; Agerup, Pelle LCTZ:EX

Subject: RE: Call for Records - FOI Request #CTZ-2012-00066

Hey Guys,

We need to pull this together or at least discuss it – should we bring this up at the call this afternoon or have our own core team call to discuss? It is not due till late next week.

LM

From: Sime, Mark LCTZ:EX

Sent: Tuesday, June 5, 2012 9:59 AM

To: Martin, Leigh LCTZ:EX

Cc: Kishimoto, Mike J LCTZ:EX; Agerup, Pelle LCTZ:EX

Subject: RE: Call for Records - FOI Request #CTZ-2012-00066

Hello Leigh,

A member of our team has had the opportunity to speak with the applicant, and has gained some clarification on this portion of the request. The applicant has acknowledged there may not be a report, but has expressed interest in any correspondence to and from LDB from September 2011 to May 17, 2012 surrounding the Negotiated Request for Proposals NRFP SATP-301, for the BC Liquor Distribution warehousing sale.

I hope this helps. Please let me know if you have any further questions or concerns.

Best regards,

Mark Sime

Information Privacy Analyst
Information Access Operations - Shared Services BC
Ministry of Labour, Citizens' Services and Open Government
548 Michigan Street, Victoria BC V8V 1S2

250.387.3411 Mark.Sime@gov.bc.ca

From: Martin, Leigh LCTZ:EX

Sent: Friday, May 25, 2012 10:45 AM

To: Sime, Mark LCTZ:EX

Cc: Kishimoto, Mike J LCTZ:EX; Agerup, Pelle LCTZ:EX

Subject: RE: Call for Records - FOI Request #CTZ-2012-00066

Hi Mark,

We were hoping you could get us some clarification around the second part of this request, "The report and correspondence that formed the basis of the Negotiated Request for Proposals NRFP SATP-301, for the BC Liquor Distribution warehousing sale."

Thanks, Leigh

Leigh Martin, Project Director

Strategic Vendor Management Labour, Citizens' Service and Open Goverment 553 Superior St | Victoria, BC | 250-216-5078

From: Agerup, Pelle LCTZ:EX

Sent: Thursday, May 24, 2012 8:00 AM

To: Sime, Mark LCTZ:EX; Martin, Leigh LCTZ:EX; Kishimoto, Mike J LCTZ:EX

Subject: Re: Call for Records - FOI Request #CTZ-2012-00066

These are the confidential documents that we only share with proponents that have signed confidentiality agreements. It contains somewhat sensitive financial information, might contain personal information and some competitive business info. Furthermore there are over 140 documents and spreadsheets. My guess is that 90% is not confidential but someone will have to go through all the material - key resources in the project.

There used to be a (draft) checklist of what could be released when in a procurement. If we could wait with releasing this it would be preferred.

Cheers, Pelle

From: Sime, Mark LCTZ:EX

Sent: Wednesday, May 23, 2012 11:55 AM

To: Taylor, Diane Ruth LCTZ:EX

Cc: Agerup, Pelle LCTZ:EX; Henderson, Kim N LCTZ:EX; Greer, David GCPE:EX

Subject: Call for Records - FOI Request #CTZ-2012-00066

Please see attached/below a formal request made under the *Freedom of Information and Protection of Privacy Act* (FOIPPA). Your analyst for the attached request will be Mark Sime at 250-387-3411.

All documentation and appendices housed within the Virtual Documents Room specified within the NRFP SATP-301, for the BC Liquor Distribution warehousing sale; *The report and correspondence that formed the basis of the Negotiated Request for Proposals NRFP SATP-301, for the BC Liquor Distribution warehousing sale.*

Please complete the attached Call for Records form and return to your analyst by 08-JUN-12.

If the public body's total search and retrieval time is anticipated to exceed 3 hours and/or the total volume of records exceeds 200 pages, we may be in a position to issue a fee estimate. If this is the case, please also complete the attached Fee Calculation form and return to your analyst ASAP.

You should be aware that FOIPPA obligates us to assist the applicant and to respond without delay, openly, accurately, and completely. In the event that the ministry must defend the adequacy of its search to the Information and Privacy Commissioner at Inquiry, those involved in searching for records may be required to sign affidavits to prove that they have conducted an adequate search for relevant records.

Please do not hesitate to contact your analyst to discuss:

- whether the records may be routinely releasable;
- whether the information is being prepared for public release or is already publicly available;
- whether staff would be available to discuss the request with the applicant, if the applicant is agreeable;
- ways in which an applicant may want to narrow/focus their request to reduce potential fees; and/or any other questions or concerns relating to this request.

Best regards,

Mark Sime

Information Privacy Analyst
Information Access Operations - Shared Services BC
Ministry of Labour, Citizens' Services and Open Government
548 Michigan Street, Victoria BC V8V 1S2

■ 250.387.3411 ↑ Mark.Sime@gov.bc.ca

From:
Sent:
Monday, July 23, 2012 1:08 PM
To:
Kishimoto, Mike J LCTZ:EX
Subject:
Accepted: IN discussion re:FOI

Can do . RP

From:

Agerup, Pelle LCTZ:EX Monday, July 23, 2012 12:12 PM Kishimoto, Mike J LCTZ:EX Accepted: IN discusssion re:FOI Sent: To: Subject:

Subject: Canceled: Meeting to discuss IN

Location: Live meeting/ conference

Start: Mon 2012-07-23 3:30 PM **End:** Mon 2012-07-23 4:00 PM

Show Time As: Free

Recurrence: (none)

Meeting Status: Not yet responded

Organizer: Kishimoto, Mike J LCTZ:EX

Required Attendees: Poutney, Richard G LCTZ:EX; Agerup, Pelle LCTZ:EX

Importance: High

W

IN_LDB FOI Request_v2.docx

Ministry: Labour, Citizens' Services and

Open Government Date: July @, 2012

Minister Responsible: Margaret MacDiarmid

Created by Government Communications and

Public Engagement

LDB FOI Request Regarding Submissions of Proposals by Closing Date of NRFP

ADVICE AND RECOMMENDED RESPONSE:

- 5 proposals were received prior to the anticipated due date the NRFP anticipated closing date and time of of June 29, 2012, 4PM. One proposal was received at 4 PM on the closing date.
- Some proponents submitted proposals both by courier (paper submissions) and electronically via BC Bid.
- Proponents signed a declaration of interest agreeing to the NRFP terms which includes a process which does not have mandatory requirements such as a binding closing date and time.includes the process being governed by law applicable to direct commercial negotiations and not legally binding bidding processes.
- There <u>was</u> is no mandatory deadline for submissions of proposals in NRFP processes this process.
- All proposals that were received were evaluated according to the criteria outlined in the NRFP document.
- The fairness monitor has presided over the procurement throughout the process to date and has provided a fairness letter.

IF ASKED WHEN PROPOSALS WERE RECEIVED:

- DB Schenker submitted its proposal via BC Bid at 10:39AM, June 26, 2012.
- Metro Supply Group submitted its proposal via BC Bid at 12:28PM, June 28, 2012.
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BACKGROUND REGARDING THE ISSUE:

The Province received a freedom of information request asking for "the list of companies that submitted proposals by deadline (4 pm, June 29, 2012) for the Distribution of Liquor Project (NRFP SATP-301), including the date(s) and time(s) that proposals were received by courier or hand at the 2nd floor reception, 563 Superior St., Victoria or submitted and received electronically".

The Province received 6 proposals in response to the LDB Negotiated Request for Proposal (NRFP). One proposal arrived 3 days before the June 29, 2012 closing date; four proposals arrived the day before the closing date and the sixth proposal arrived at 16:00hrs on the closing date.

Traditional procurements (e.g. in construction or general services) are typically governed by tender law and usually contain mandatory requirements (such as closing date and time) that are binding on all parties, which if not met, require disqualification from the process. The LDB NRFP process on the other hand required proponents to sign a declaration of interest agreement clearly stating that such legally binding rules do not apply and that the NRFP instead is governed by the law applicable to direct commercial negotiations.

In the LDB NRFP process the Province is under no obligation to disqualify or reject a proposal or proponent that fails to comply with a stated rule or requirement and may allow the proponent to rectify deficiencies in its proposal at any stage during the NRFP process.

The LDB NRFP process, though referencing a closing date and time of prior to 4PM, was not a mandatory cut off time, but rather a time for proposals to come in so that the Province can manage distribution of proposals and evaluation scheduling. In a NRFP process there is no deadline for submission of proposals. In this process there was no absolute deadline after which proposals would not be considered.

Communications Conta	ict: Allison Jer	Allison Jensen		3-3929
Program Area Contact:	Richard Po	Richard Poutney		250 356-0379
Created:	Jul 3, 2012	2		
File path: N:\zz_Citizens' Services Communications Office\Operations\Issue Notes\2012\Finals\zz_Miscellaneous\IN_LDB				
Supply Chain Vendor Selection Process FINAL.docx				
Program Area	ADM	DM	Comm. Dir	MO
RP		KH	DH	

Subject: IN discussion re:FOI

Location: teleconference

Start: Mon 2012-07-23 3:30 PM **End:** Mon 2012-07-23 4:00 PM

Show Time As: Tentative

Recurrence: (none)

Meeting Status: Not yet responded

Organizer: Kishimoto, Mike J LCTZ:EX

Required Attendees: Poutney, Richard G LCTZ:EX; Agerup, Pelle LCTZ:EX

Redoing as I had problems with setting up a live meeting. Outlook bombed on me.

Lets us the usual teleconference ID:

S 15, S 17

Participant S 15, S 17

Richard will you dial in as moderator?

Kishimoto, Mike J LCTZ:EX has invited you to attend an online meeting using Microsoft® Office Communications Server.

Join the meeting

Make sure the Office Live Meeting client is installed before the meeting:

- I am connecting from inside the Corporation network
- I am connecting from outside the Corporation network

TROUBLESHOOTING

Unable to join the meeting? Start Office Live Meeting and join the meeting with the following information:

Meeting ID:

Location: S 15, S 17

If you still cannot enter the meeting, contact support:

- Inside the Corporation network
- Outside the Corporation network

NOTICE

Office Live Meeting can be used to record meetings. By participating in this meeting, you agree that your communications may be monitored or recorded at any time during the meeting.

From:

Agerup, Pelle LCTZ:EX Monday, July 23, 2012 11:52 AM Kishimoto, Mike J LCTZ:EX Accepted: Meeting to discuss IN Sent: To: Subject:

Subject: Meeting to discuss IN Live meeting/ conference

Start: Mon 2012-07-23 3:30 PM **End:** Mon 2012-07-23 4:00 PM

Show Time As: Tentative

Recurrence: (none)

Meeting Status: Not yet responded

Organizer: Kishimoto, Mike J LCTZ:EX

Required Attendees: Poutney, Richard G LCTZ:EX; Agerup, Pelle LCTZ:EX



IN_LDB FOI Request_v2.docx

Ministry: Labour, Citizens' Services and

Open Government Date: July @, 2012

Minister Responsible: Margaret MacDiarmid

Created by Government Communications and

Public Engagement

LDB FOI Request Regarding Submissions of Proposals by Closing Date of NRFP

ADVICE AND RECOMMENDED RESPONSE:

- 5 proposals were received prior to the anticipated due date the NRFP anticipated closing date and time of of June 29, 2012, 4PM. One proposal was received at 4 PM on the closing date.
- Some proponents submitted proposals both by courier (paper submissions) and electronically via BC Bid.
- Proponents signed a declaration of interest agreeing to the NRFP terms which includes a process which does not have mandatory requirements such as a binding closing date and time.includes the process being governed by law applicable to direct commercial negotiations and not legally binding bidding processes.
- There <u>was</u> is no mandatory deadline for submissions of proposals in NRFP processes this process.
- All proposals that were received were evaluated according to the criteria outlined in the NRFP document.
- The fairness monitor has presided over the procurement throughout the process to date and has provided a fairness letter.

IF ASKED WHEN PROPOSALS WERE RECEIVED:

- DB Schenker submitted its proposal via BC Bid at 10:39AM, June 26, 2012.
- Metro Supply Group submitted its proposal via BC Bid at 12:28PM, June 28, 2012.
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BACKGROUND REGARDING THE ISSUE:

The Province received a freedom of information request asking for "the list of companies that submitted proposals by deadline (4 pm, June 29, 2012) for the Distribution of Liquor Project (NRFP SATP-301), including the date(s) and time(s) that proposals were received by courier or hand at the 2nd floor reception, 563 Superior St., Victoria or submitted and received electronically".

The Province received 6 proposals in response to the LDB Negotiated Request for Proposal (NRFP). One proposal arrived 3 days before the June 29, 2012 closing date; four proposals arrived the day before the closing date and the sixth proposal arrived at 16:00hrs on the closing date.

Traditional procurements (e.g. in construction or general services) are typically governed by tender law and usually contain mandatory requirements (such as closing date and time) that are binding on all parties, which if not met, require disqualification from the process. The LDB NRFP process on the other hand required proponents to sign a declaration of interest agreement clearly stating that such legally binding rules do not apply and that the NRFP instead is governed by the law applicable to direct commercial negotiations.

In the LDB NRFP process the Province is under no obligation to disqualify or reject a proposal or proponent that fails to comply with a stated rule or requirement and may allow the proponent to rectify deficiencies in its proposal at any stage during the NRFP process.

The LDB NRFP process, though referencing a closing date and time of prior to 4PM, was not a mandatory cut off time, but rather a time for proposals to come in so that the Province can manage distribution of proposals and evaluation scheduling. In a NRFP process there is no deadline for submission of proposals. In this process there was no absolute deadline after which proposals would not be considered.

Communications Conta	ict: Allison Jer	Allison Jensen		3-3929
Program Area Contact:	Richard Po	Richard Poutney		250 356-0379
Created:	Jul 3, 2012	2		
File path: N:\zz_Citizens' Services Communications Office\Operations\Issue Notes\2012\Finals\zz_Miscellaneous\IN_LDB				
Supply Chain Vendor Selection Process FINAL.docx				
Program Area	ADM	DM	Comm. Dir	MO
RP		KH	DH	

From: Kishimoto, Mike J LCTZ:EX
Sent: Monday, July 23, 2012 11:48 AM

To: Poutney, Richard G LCTZ:EX; Bennett, Dawn LCTZ:EX

Cc: Martin, Leigh LCTZ:EX
Subject: RE: IN_LDB FOI Request_v2

Yes sure... thinking now that 2nd bullet should be deleted. Spoke with pelle and he said that bc bid proposals came in first so we went with using that.

From: Poutney, Richard G LCTZ:EX Sent: Monday, July 23, 2012 11:46 AM

To: Kishimoto, Mike J LCTZ:EX; Bennettq, Dawn LCTZ:EX

Cc: Martin, Leigh LCTZ:EX

Subject: Re: IN_LDB FOI Request_v2

Hey Mike any chance we could have a "live meeting" with you and me and Pelle this aft say 3 or so (I show booked so don't worry) and finish this? RP

From: Kishimoto, Mike J LCTZ:EX
Sent: Monday, July 23, 2012 10:20 AM
To: Poutney, Richard G LCTZ:EX
Cc: Martin, Leigh LCTZ:EX

Subject: IN_LDB FOI Request_v2

FYI.

<<IN_LDB FOI Request_v2.docx>>

From: Kishimoto, Mike J LCTZ:EX
Sent: Monday, July 23, 2012 10:21 AM

To: Agerup, Pelle LCTZ:EX
Subject: FW: IN_LDB FOI Request_v2

Can u check the submission receipt dates?

From: Kishimoto, Mike J LCTZ:EX
Sent: Monday, July 23, 2012 10:20 AM
To: Poutpoy, Pickerd C LCTZ:EX

To: Poutney, Richard G LCTZ:EX Cc: Martin, Leigh LCTZ:EX Subject: IN_LDB FOI Request_v2

FYI.



IN_LDB FOI Request_v2.docx

Ministry: Labour, Citizens' Services and

Open Government Date: July @, 2012

Minister Responsible: Margaret MacDiarmid

Created by Government Communications and

Public Engagement

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RP		KH	DH	

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Cc: Martin, Leigh LCTZ:EX
Subject: IN_LDB FOI Request_v2

FYI.



Request_v2.docx

Ministry: Labour, Citizens' Services and

Open Government Date: July @, 2012

Minister Responsible: Margaret MacDiarmid

Created by Government Communications and

Public Engagement

LDB FOI Request Regarding Submissions of Proposals by Closing Date of NRFP

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In the LDB NRFP process the Province is under no obligation to disqualify or reject a proposal or proponent that fails to comply with a stated rule or requirement and may allow the proponent to rectify deficiencies in its proposal at any stage during the NRFP process.

The LDB NRFP process, though referencing a closing date and time of prior to 4PM, was not a mandatory cut off time, but rather a time for proposals to come in so that the Province can manage distribution of proposals and evaluation scheduling. In a NRFP process there is no deadline for submission of proposals. In this process there was no absolute deadline after which proposals would not be considered.

Communications Conta	ict: Allison Jer	Allison Jensen		3-3929
Program Area Contact:	Richard Po	Richard Poutney		250 356-0379
Created:	Jul 3, 2012	2		
File path: N:\zz_Citizens' Services Communications Office\Operations\Issue Notes\2012\Finals\zz_Miscellaneous\IN_LDB				
Supply Chain Vendor Selection Process FINAL.docx				
Program Area	ADM	DM	Comm. Dir	MO
RP		KH	DH	

From: Kishimoto, Mike J LCTZ:EX
Sent: Monday, July 23, 2012 10:20 AM
To: Poutney, Richard G LCTZ:EX
Cc: Martin, Leigh LCTZ:EX
Subject: IN_LDB FOI Request_v2

FYI.



Ministry: Labour, Citizens' Services and

Open Government Date: July @, 2012

Minister Responsible: Margaret MacDiarmid

Created by Government Communications and

Public Engagement

LDB FOI Request Regarding Submissions of Proposals by Closing Date of NRFP

ADVICE AND RECOMMENDED RESPONSE:

- 5 proposals were received prior to the anticipated due date the NRFP anticipated closing date and time of of June 29, 2012, 4PM. One proposal was received at 4 PM on the closing date.
- Some proponents submitted proposals both by courier (paper submissions) and electronically via BC Bid.
- Proponents signed a declaration of interest agreeing to the NRFP terms which includes a process which does not have mandatory requirements such as a binding closing date and time.includes the process being governed by law applicable to direct commercial negotiations and not legally binding bidding processes.
- There <u>was</u> is no mandatory deadline for submissions of proposals in NRFP processes this process.
- All proposals that were received were evaluated according to the criteria outlined in the NRFP document.
- The fairness monitor has presided over the procurement throughout the process to date and has provided a fairness letter.

IF ASKED WHEN PROPOSALS WERE RECEIVED:

- DB Schenker submitted its proposal via BC Bid at 10:39AM, June 26, 2012.
- Metro Supply Group submitted its proposal via BC Bid at 12:28PM, June 28, 2012.
- Exel Canada submitted its proposal via BC Bid at 16:24, June 28, 2012.
- Hillebrand submitted is proposal via BC Bid at 17:58, June 28, 2012.
- ContainerWorld submitted its proposal via BC Bid at 22:35, June 28, 2012.
- Kuehne+Nagal submitted its proposal via BC Bid at 16:00, June 29, 2012.

BACKGROUND REGARDING THE ISSUE:

The Province received a freedom of information request asking for "the list of companies that submitted proposals by deadline (4 pm, June 29, 2012) for the Distribution of Liquor Project (NRFP SATP-301), including the date(s) and time(s) that proposals were received by courier or hand at the 2nd floor reception, 563 Superior St., Victoria or submitted and received electronically".

The Province received 6 proposals in response to the LDB Negotiated Request for Proposal (NRFP). One proposal arrived 3 days before the June 29, 2012 closing date; four proposals arrived the day before the closing date and the sixth proposal arrived at 16:00hrs on the closing date.

Traditional procurements (e.g. in construction or general services) are typically governed by tender law and usually contain mandatory requirements (such as closing date and time) that are binding on all parties, which if not met, require disqualification from the process. The LDB NRFP process on the other hand required proponents to sign a declaration of interest agreement clearly stating that such legally binding rules do not apply and that the NRFP instead is governed by the law applicable to direct commercial negotiations.

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Communications Conta	ict: Allison Jer	Allison Jensen		3-3929
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Supply Chain Vendor Selection Process FINAL.docx				
Program Area	ADM	DM	Comm. Dir	MO
RP		KH	DH	

From:
Poutney, Richard G LCTZ:EX
Sent:
Monday, July 23, 2012 7:09 AM
Kishimoto, Mike J LCTZ:EX
Subject:
Re: IN_LDB FOI Request_v1

Let's do right after conf call at 0900. RP

From: Kishimoto, Mike J LCTZ:EX Sent: Sunday, July 22, 2012 10:14 AM To: Poutney, Richard G LCTZ:EX Subject: Re: IN_LDB FOI Request_v1

Yes sure.

From: Poutney, Richard G LCTZ:EX Sent: Sunday, July 22, 2012 09:00 AM To: Kishimoto, Mike J LCTZ:EX

Subject: RE: IN_LDB FOI Request_v1

Thanks Mike.. the more I read the more like but I would like to talk through few adjustment Monday morning.....RP

From: Kishimoto, Mike J LCTZ:EX Sent: Friday, July 20, 2012 4:10 PM

To: Poutney, Richard G LCTZ:EX; Agerup, Pelle LCTZ:EX; Martin, Leigh LCTZ:EX

Subject: IN_LDB FOI Request_v1

<< File: IN LDB FOI Request v1.docx >>