



**The Corporation of the City of Guelph**  
**Request for Expression of Interest for Guelph**  
**Farmers Market Refreshing Our Local Tradition**  
**Reference Number: 21-071**

**Electronic Tenders Only**

**Closes: Monday, May 10<sup>th</sup>, 2021 at 2:30 pm local time**

Alternate formats are available as per the Accessibility for Ontarians with Disabilities Act by contacting Purchasing at 519-822-1260 extension 2328 or TTY 519-826-9771.

## Table of Contents

A.	Definitions of Terms Used in this RFT .....	3
B.	Goods and Services the City is Seeking .....	4
C.	Instructions to Respondents.....	7
D.	Procedures for Submitting a Proposal.....	10

**PREVIEW**

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## A. Definitions of Terms Used in this RFT

### 1. Definitions

1. In this RFEOI, capitalized terms other than those defined in this RFEOI have the meanings provided in the Procurement By-law.

2. In this RFEOI, the following terms have the indicated meanings:

**"City"** means The Corporation of the City of Guelph;

**"Closing Time"** means 2:30:00 p.m. local time on Monday, May 10<sup>th</sup>, 2021 as determined by the City's Electronic Bidding System web clock;

**"Conflict of Interest"**, in respect of a Proponent, means a situation where the Proponent is an employee of the City, a spouse or child of an employee of the City, or a corporation or other business entity in which an employee of the City or his or her spouse or child has an interest or is a director or officer;

**"Procurement By-law"** means By-law Number (2018)-20259 of the City, as amended or replaced from time to time;

**"Proposal"** means a submission in response to this RFEOI;

**"Procurement Representative"** means the representative of the City designated by the City as the principal contact person in respect of this RFT, and particularly its procurement aspects;

**"Respondent"** means an individual or company submitting a Proposal to this RFEOI;

**"RFEOI"** means this Request for Expression of Interest and all related documents;

## **B. Goods and Services the City is Seeking**

### **2. Purpose**

1. This Call for Innovative Ideas, Proposals and Potential Partners is to explore options for the implementation of the Guelph Farmers' Market's Business Plan. The City may or may not opt for any proposal or partnership in making a final decision on the future of the Guelph Farmers' Market.

### **3. Overview**

1. The Guelph Farmers' Market is an important community asset that has operated for almost 200 years. The City of Guelph is looking to new or existing organizations (not-for-profit, social enterprise or cooperative) for innovative ideas, proposals, and potential partners to assist in the implementation of a business plan to ensure the Market's long-term success.
2. The Saturday market is successful; however, it only operates for five (5) hours, 52 days of the year. The City recognizes that the Market building and grounds hold tremendous potential to be the focus of local food and business growth for Guelph-Wellington throughout the entire week.
3. In 2018, City Staff initiated a consultative process entitled [Refreshing Our Local Tradition](#). With the input of vendors and shoppers, the Market's vision and mission were reviewed, and five goals were developed. If met, these goals would provide a policy direction and framework for action to address stakeholder concerns and position the Market for success.

### **4. Vision**

1. The Guelph Farmers' Market is a dynamic, year-round public market and community cornerstone - the destination of choice for the best products Guelph-Wellington has to offer.

### **5. Mission**

1. The Guelph Farmers' Market offers a diverse range of quality farm-fresh and local foods, unique art and craft and friendly personal service. A community cornerstone in the heart of Guelph since 1827, the Market supports the farmers and the economy of Guelph-Wellington while promoting sustainability and healthy living.

### **6. Goals**

1. Diverse range of quality local and farm-fresh foods, unique art and craft
2. Friendly, personal service
3. A community cornerstone in the heart of Guelph
4. Support the farmers and the economy of Guelph-Wellington
5. Promote sustainability and healthy living
6. In 2019, the vision, mission and goals were transformed into a draft business plan which confirmed the success of the Saturday farmers' market and identified the challenge the City has in making a one day a week market operationally and financially viable as a dedicated building and grounds have fixed operating costs

that cannot be recovered by one day of use. The City of Guelph and Wellington County have an emerging opportunity through the Our Food Future initiative, to explore an innovative and strategic partnership to expand on the success of the Saturday farmers' market and implement this exciting business plan.

7. The City is committed to owning and maintaining the historic Market building and grounds going forward. Financial information on Market operations is available upon request.

## **7. Call for Innovative Ideas, Proposals and Potential Partners**

1. Guelph is a food community and the Guelph Farmers' Market connects residents with local producers every Saturday, throughout the year. Community and stakeholder consultation undertaken as part of the Refreshing Our Local Tradition Initiative identified that Guelph residents want the Market to be more than just a unique once-a-week shopping experience. They want it to be a central hub in our local food community – a connection to producers, a business incubator, a place to learn about food and a community gathering place.
2. The City of Guelph is looking to new or existing organizations (not-for-profit, social enterprise or cooperative) for innovative ideas, proposals and potential partners to assist in the implementation of the draft business plan to ensure the Market's long-term success. A partnership arrangement has the potential to be a win-win for the City, the Guelph Farmers' Market, the local food movement and Guelph-Wellington's economy.

## **8. Submission requirements**

1. Respondents are strongly encouraged to review the content on the Refreshing Our Local Tradition webpage and the Governance and Business Plan Report document before preparing their submission.
  - i. Part A: Your proposal (maximum length of 1000 words)
    - a. The following questions may help in developing a proposal:
      1. How could the Market building and grounds be used to better support and enhance community priorities around food?
      2. How could the local food community, including farmers, vendors, food producers, not-for-profits, social enterprises and residents make better use of the Market building and grounds on other days of the week?
      3. How could your organization (not-for-profit, social enterprise or cooperative) partner with the City in programming the building and grounds in a way that meets the Market's vision and mission and community expectations?
      4. How can we all ensure that the Market reflects and attracts the diversity of people living in our community?
  - ii. Part B: Your organization (maximum length of 500 words)
    - a. The following items should be included in your submission.
      1. Your organizations interest in the Market

2. How and why your organization can play a role in the Market's success.
3. Who is on your project team and what relevant experience do they have (provide resumes / CV)
4. What are the financial assumptions underlying your proposal?

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## **C. Instructions to Respondents**

### **9. Electronic Proposals Only**

1. This RFEOI requires submission of Proposals only by electronic means, and therefore is open only to Respondents who have created vendor accounts in the City's Electronic Bidding System.
2. The City reserves the right, in case of problems with its Electronic Bidding System, to change, at any time, to a paper-based bidding system in respect of part or all of this RFEOI process.

### **10. Procurement Representative**

1. The procurement representative for this Proposal is;
  - a) Bill Stewart

### **11. Questions and Answers**

1. The City shall not entertain any oral questions related to this RFEOI, and shall not provide any oral answers related to this RFEOI.
2. All questions must be submitted through the City's Electronic Bidding System using the "Submit a Question" link associated with this bid opportunity. Questions submitted in any other manner will be unaddressed until they are properly submitted via the "Submit a Question" function in the City's Electronic Bidding System.
3. The City shall not accept any questions during the five (5) days prior to the Closing Time, to allow the City adequate time to send any required responses to all Proponents as addenda.

### **12. Addenda**

1. The City shall issue any answers to questions or changes/additions/deletions to the Specifications and/or Terms and Conditions of this RFEOI by way of addenda. Any and all addenda issued prior to the Closing Time form part of this RFEOI. The City shall not issue any addenda after 12:00 noon the day before the Closing Time, unless they include an extension of the Closing Time.
2. The City recommends that after submitting a Proposal, the Respondent should check for addenda up until the Closing Time.

### **13. Withdrawal of RFEOI**

1. The City may, at its discretion, withdraw, cancel or amend this RFEOI at any time either before or after the Closing Time. The City shall not be liable for any risk, expense, cost, loss or damage incurred or suffered by any Respondent or any other person as a result of such withdrawal, cancellation or amendment.

### **14. Procurement By-Law**

1. The City's Procurement By-law applies to this RFEOI.
2. Each Respondent shall abide by the Procurement By-law.
3. Without limiting the generality of the foregoing, the City reminds potential Respondents of the following provisions of the Procurement By-Law:

- a) Section 4.5.g.3. Opposing Parties.
- b) Schedule "F" Performance Evaluation of Suppliers.

**15. Costs of proposal**

- 1. The City shall not be responsible for any risk, expense, cost, loss or damage incurred or suffered by any Respondent or any other person in:
  - a) Obtaining the information and material comprising the RFEOI;
  - b) Carrying out any site visit;
  - c) Carrying out or attending at any invasive site testing;
  - d) Preparing a Proposal;
  - e) Revising a Proposal;
  - f) Submitting a Proposal or revised Proposal; or
  - g) Submitting any samples and/or descriptive literature in relation to goods forming part of this RFEOI.

**16. Effects of Submitting a Proposal**

- 1. By submitting a Proposal under this RFEOI, the Respondent:
  - a) Agrees to all provisions of this RFEOI.
  - b) Represents and warrants that:
    - i. No person other than the Respondent has any interest in the Proposal;
    - ii. All information submitted in the Proposal is true, complete and accurate;
    - iii. The Proposal is made without fraud, collusion, connection, knowledge, comparison of figures or arrangement with any other person submitting a Proposal;
    - iv. No employee or member of Council of the City is or will become interested, directly or indirectly, as a contracting party or otherwise in the provision of the Goods and Services to be provided pursuant to this RFEOI, or in any portion of the monies or profits to be derived from the Proposal.
  - c) Agrees that it has no, and shall have no, claim for any expense, cost, loss or damages of any kind whatsoever, against the City, arising from participating in any way in this RFEOI process.
  - d) Releases, to the City, all rights to all information and material comprising its Proposal.

**17. Status of Information and Material Submitted**

- 1. All information and material submitted by a Respondent will form part of the Respondent's Proposal and, upon submission, becomes the property of the City.
- 2. The information received from Respondent will assist the City in specifying the required/desired goods/services attributes and may be used to draft a formal request for proposal, tender or quotation if any. Additional information may be requested, throughout the process.
- 3. The Submissions are intended as informational to the City. Neither the receipt or review of a Submission nor the seeking of clarification shall oblige the City to enter into a contract with any Respondent or to use information provided in the Respondents Submission for future procurement purposes, and shall not constitute an acceptance of the Respondents Submission nor to create contractual relations with any Respondent. The City's use of information



provided in a Submission in a future procurement process, shall not be considered an acceptance of the Submission nor an intention to create contractual relations with any Respondent.

#### **18. Confidentiality of Information**

1. The documentation comprising any Proposal submitted in response to this RFEOI, along with all correspondence, documentation and information provided to the City by any Respondent in connection with, or arising out of this RFEOI, once received by the City:
  - a) Shall become the property of the City; and
  - b) Shall become subject to the Municipal Free of Information and Protection of Privacy Act ("MFIPPA"), and may be released, pursuant to the Act.

#### **19. No Contract 'A' and No Claims**

1. This procurement process is not intended to create and shall not create a formal bidding process. For greater certainty and without limitations:
  - a) This RFEOI shall not give rise to any Contract "A" based tendering law duties or any other legal obligations arising out of any process contract or collateral contract; and
  - b) Neither the Respondent nor the City shall have the right to make any claim (in contract, tort or otherwise) against the other with respect to the selection of Respondent's, a decision to reject a response or disqualify a Respondent, or a decision of the Respondent to withdraw its Submission.

#### **20. No Legal Relationship**

1. No legal relationship or obligation regarding the procurement process of any good or service shall be created between the Respondent and the City by this RFEOI process.

#### **21. Review of Proposal Submissions**

1. Proposal submissions will be reviewed by City staff and the information gathered will be used to guide next steps, if any.
2. Proposal submissions received after closing date and time may be considered depending on the progress of this project.
3. Proposal submissions can be submitted at anytime up to the closing date and time.
4. The City reserves the right to discontinue the process at any time.
5. Notwithstanding any other provision of this RFEOI:
  - a) There is no obligation on the part of the City to proceed with an RFEOI process and the City may at any time for any reason terminate this RFEOI and/or any resulting RFEOI.
  - b) If after the completion of the review of Proposals, the City determines that they have received a Proposal that satisfies the outcome, the City may choose to engage in the direct negotiation with the Respondent without negotiating with any other Respondent.

## D. Procedures for Submitting a Proposal

### 22. Submission of Proposal

1. A potential Respondent with a vendor account must register as a recipient of this RFEOI on the Bids and Tenders portion of the City's website.
2. For this RFEOI, unless an addendum provides otherwise, the City shall accept only electronic Proposals submitted through the City's Electronic Bidding System on the Bids and Tenders portion of the City's website.
3. A Respondent may withdraw the Respondent's Proposal prior to the Closing Time and either:
  - a) Keep the Proposal out of the RFEOI; or
  - b) Edit and re-submit the Proposal before the Closing Time.
4. The City shall accept only those electronic Proposals received by the City's Electronic Bidding System no later than the Closing Time. The City's Electronic Bidding System will not accept Proposals received after the Closing Time. The date and time that the electronic Proposal was sent by the Respondent is of no consequence.
5. Each Respondent shall allow sufficient time to upload the Proposal and applicable attachments and to resolve any uploading and transmission issues, such as "Internet traffic jams", file transfer size and transmission speed.
6. It is recommended that Respondents submit their Proposal:
  - a) More than twenty-four (24) hours before the Closing Time, in order to allow time for the Respondent to contact the City's Purchasing Representative if:
    - i. The Respondent encounters any problems in submitting the Proposal; or
    - ii. The Respondent fails to receive an email confirming receipt of the Proposal; and
  - b) Not more than forty-eight (48) hours before the Closing Time, to allow for the receipt of any addenda.