

## ANNEX J – IDENTICAL LOW BIDS CLAUSE

### Identical Low Bids - Best Value

- a. If identical low bids are received, the Treasury Board Contracting Policy ([subsection 10.8.17](#)) provides that the contract should be awarded on the basis of best value. The factors below should be used, subject to directives on national policies and objectives that may be issued from time to time. These criteria may be weighted as considered appropriate by the contracting officer:
  - i. a bidder with an overall satisfactory performance record is given preference over a bidder known to have a less satisfactory performance record;
  - ii. a bidder in a position to provide adequate after-sales service, with a good record in this regard, will be given preference over a bidder who is less able to provide adequate service or who has a poor record;
  - iii. when delivery is an important factor, the bidder offering the best delivery date should be given preference;
  - iv. when there are several items included in the bid and only some items are priced identically, the bid offering the greatest dollar value should be given preference; and
  - v. when there are several items included in the bid and one or more bidders bid lower on one or more of the items, the lowest bidder with the greatest dollar value should be given preference both for the items on which it bid equal prices and for the items on which it bid lower.
- b. If there are two (or more) identical bids, and provided that the bid selected would still be considered the most advantageous to Canada, preference should be given to the bidder who assumes all or part of the exchange rate adjustment risk over a bidder who does not assume any of this risk. Furthermore, preference should be given to the bidder who assumes all of the exchange rate adjustment risk over a bidder who assumes only part of this risk.
- c. If none of the above applies, a method of tie breaking that is mutually acceptable to Canada and the bidders with identical bids can be used. As an example, a simple coin toss could be agreed upon. The mutually agreed solution should involve legal advice.