

## Chronology of Events for Vendor Performance Issues with Wise and Hammer

On or around July, 2016	Wise and Hammer is engaged to complete four graphic/web design projects, two for use by the City of Hamilton Tobacco Control Program Division and two for use by other provincial Tobacco Control network partners, to be paid by the Kingston, Frontenac and Lennox and Addington Public Health ("KFL&A").
July and August, 2016	<p>Staff communicates with Wise and Hammer to finalize the scope of work involved in the four projects and to create estimates for each of the projects.</p> <p>City staff is of the understanding that a template is to be developed, based on the development of the first project and then replicated for the remaining three projects.</p>
August 30, 2016	<p>Wise and Hammer issue four estimates, detailing the description of services and the costs associated with the work. Estimates state:</p> <p><i>"Any items not outlined in this proposal shall be considered beyond the Scope of Work and will exceed the Estimated Fees. Out-of-scope items will require prior Client approval in the form of a Change Order (Change Request) before being added to the Scope of Work."</i></p>
September 22, 2016	<p>Wise and Hammer issue four invoices matching all information detailed in the estimates. Invoices include the same term and condition regarding change orders as set out above.</p> <p>All invoices are issued for the full amount of the cost of services as indicated in estimate and are due within 30 days of receipt.</p>
October 21, 2016	<p>City issues payment to Wise and Hammer for two respective invoices.</p> <p>KFL&amp;A issues payment as well.</p>
Months of August, 2016 through to January, 2017	Wise and Hammer works on project and continues to communicate with City of Hamilton staff regarding deliverables.
January 13, 2017	<p>Wise and Hammer advises City staff that additional hours have been spent on the projects and that they were <i>"now 4x the agreed upon original budget in the hours used and over a month past the deliverables to be completed originally discussed"</i>.</p> <p>City staff becomes aware that all work to date has been towards</p>

	<p>the KFL&amp;A project <i>"Freeze the Industry"</i> only. No other work has been completed on any of the three remaining projects.</p> <p>As of this date, no request for approval of additional hours or extra work has been made by the vendor to City staff.</p>
January 18, 2017	<p>City staff contact Wise and Hammer to schedule a face-to-face meeting to discuss the City's projects (including video and public service announcement) discuss, address the additional hours and develop a plan to move the projects forward with remainder of the work.</p> <p>City Staff indicates to Wise and Hammer that staff is willing to re-quote/re-scope as needed based on learnings from 1st campaign package and bill accordingly.</p>
February 2, 2017	<p>Wise and Hammer provides information regarding work completed to date and work in progress. They note that all items related to the City's invoices #397 &amp; #398 are listed as "not started". Only work related to the KFL&amp;A project <i>Freeze the Industry</i> has been completed.</p>
March 3, 2017,	<p>Staff receive email from Wise and Hammer indicating:</p> <p><i>"For all Projects there were a total of 316 hours allocated.</i></p> <p><i>We are now nearing 200 hours over our allocations with your account sitting at around 492.50 hrs.</i></p> <p><i>At your reduced rate that is an overage of around \$17,650.00 – I have attached your statement of account along with the original estimates."</i></p> <p>Included in the email, staff is provided with a "Detail Time Report" generated by the vendor. The report includes project details and number of hours worked from August 4, 2016 to February 17, 2017. It is clear from the report that the vendor used only one project title <i>Unfiltered Facts</i> to identify all project details and hours spent to date. There is no notation that any work was completed for the other remaining three projects.</p>
March 6, 2017	<p>City staff requests Wise and Hammer for a detailed list of work completed to date and all communication regarding the projects. Information is to be broken down by project and correspond to the applicable invoices paid.</p> <p>Wise and Hammer indicates information to be sent by March 13, 2017.</p>
March 14, 2017	<p>No information has been received.</p>

	City staff makes second request for same information.
March 24, 2017	<p>No information has been received.</p> <p>City staff makes third request for same information.</p> <p>Wise &amp; Hammer delivers to Tobacco Control Program Division office a USB with final campaign package files for KFL&amp;A project “<i>Freeze the Industry</i>”. The USB is not formatted correctly. City staff emails Wise and Hammer requesting to have USB re-formatted.</p> <p>Final re-formatted USB with KFL&amp;A project files is delivered to City’s office by end of day. After inspection of the files, City staff becomes aware that the files are not able to be modified or nor do they have the credentials to access or modify the website that was developed.</p>
April 27, 2017	City staff itemize their concerns in a formal Vendor Performance – Incident Reporting Form (“VP Form”) and forward it to Wise and Hammer for comment.
May 17, 2017	Wise and Hammer submit their response to the VP Form.
June 19, 2017	City requests a face-to-face meeting to discuss the status of the projects and resolution to the matter. Numerous emails are exchanged to find a date and time convenient for all attendees.
July 10, 2017	<p>Meeting is held between Wise and Hammer and City staff from the Tobacco Control Program Division and Procurement Section.</p> <p>At the meeting, Wise and Hammer agrees to provide a breakdown of hours and notations to reflect the work that has taken place on the respective four projects.</p> <p>The City advises that this information is to be provided within two weeks (July 24, 2017).</p>
August 26, 2017	<p>Wise and Hammer Invoice #496, entitled <i>FACT-1115-02 - Final Account Balance – Invoice</i> is received by City staff. All notations in invoice reflect the nearly the same details as provided by Wise and Hammer in their previous Detailed Time Report. The invoice also reflects additional hours allocated to the four projects not previously report to City staff.</p> <p>Wise and Hammer failed to submit detailed tracking broken down by hours, project or invoice but rather resubmitted the invoices citing all hours and project details lumped together, with no delineation of one project from another.</p>

	<p>Staff is not able to determine how much work remains outstanding against the invoices that were previously paid.</p> <p>Invoice #496 reflects an outstanding amount of \$15,460.66 charged to the City of Hamilton for additional hours spent on all four projects.</p>
May 2018	<p>City Procurement staff continue to receive email notices of a past due invoice from Wise and Hammer in the amount of \$15,460.66.</p>