

# **CORPORATION OF THE CITY OF CLARENCE-ROCKLAND**

## **By-Law 2019-41**

### **BEING A BY-LAW TO ESTABLISH PROCUREMENT POLICY AND PROCEDURES FOR THE CORPORATION OF THE CITY OF CLARENCE-ROCKLAND AND TO REPEAL BY-LAW 2016-60**

WHEREAS Section 271 of the Municipal Act, 2001, as amended provides that a municipality shall adopt and maintain policies with respect to its procurement of goods and services;

NOW THEREFORE BE IT RESOLVED THAT THE COUNCIL OF THE CORPORATION OF THE CITY OF CLARENCE-ROCKLAND ENACT AS FOLLOWS:

#### **1. GENERAL PROVISIONS**

The purpose of this by-law is to establish a policy for the procurement of goods and/or services which supports providing ethical, professional and accountable delivery of programs and services to the residents of the City in a manner which protects the integrity of the City, the public and the participants in the competitive procurement process. Hence, the goals of this By-law are to:

- 1.1 Encourage competitive bidding;
- 1.2 Ensure objectivity and integrity of the competitive procurement process;
- 1.3 Ensure fair and equitable treatment of all bidders;
- 1.4 Ensure openness, accountability and transparency while protecting the financial best interests of the City;
- 1.5 Obtain the best value when procuring goods and/or services for the City;
- 1.6 Maintain timely and relevant policies and procedures by reviewing this by-law, at minimum, within five (5) years of the approval date to evaluate its effectiveness. This review shall be undertaken by an ad hoc committee of directors or designates the final result of which shall be comprised of a report to Council by the Director of Finance. This provision is intended to set a target date for a future review of this by-law and the failure to conduct a review within the time period set out shall not have an effect on the validity of this by-law;
- 1.7 Avoid conflicts between the interests of the City and those of the City's employees and members of Council;  
and
- 1.8 Ensure compliance with applicable International / Inter-Provincial trade treaties or agreements, as amended.

#### **2. DEFINITIONS**

- 2.1 "Award" is when the contract has been signed by both the vendor and the City or a purchase order has been issued.
- 2.2 "Bid" is a quote, tender or proposal submitted to the City in response to a bid solicitation.
- 2.3 "Bidder" is a legal entity that submits a bid.
- 2.4 "Bid Irregularity" is a defect contained within a response to a bid solicitation.

- 2.5 “Bid Dispute” is a written complaint provided to the Manager of Supply by a bidder giving specific reasons of the complaint against the methods employed or decisions made by the City in the process leading to the award of a contract.
- 2.6 “Bid Solicitation” is an invitation for bids from the City for the purpose of entering into a contract.
- 2.7 “Black Out Period” is the period of time that starts when the bid solicitation is issued, and ends at the award.
- 2.8 “City” is the Corporation of the City of Clarence-Rockland.
- 2.9 “Chief Administrative Officer” is the Chief Administrative Officer as appointed by the Council of the Corporation of the City of Clarence-Rockland or his/her designate.
- 2.10 “Client Department” is the City Department who has budgeted for the goods and/or service.
- 2.11 “Competitive” is a procurement process where more than one bidder is provided the opportunity to submit a bid.
- 2.12 “Compliant” means the response to the bid solicitation conforms to the mandatory requirements contained in the bid solicitation.
- 2.13 “Conflict of Interest”
- is defined as a situation or circumstances, real or perceived that could give a bidder or potential bidder an unfair advantage during a competitive procurement process or compromise the ability of a contractor to perform its obligations under their contract.
  - is a situation when a City employee or a member of their family has a direct financial interest in a contract or proposed contract with the City, and where the City employee could directly influence the decision made in the course of performing their job duties, and also where they could indirectly influence the decision through exerting personal influence over the decision-makers.
- 2.14 “Consulting Services” are services of an advisory nature required to support policy development, decision-making, administration, or management of a business or public entity; generally provided by individuals or organizations who possess specific knowledge, technical skills or unique abilities not usually available in-house or from within the City.
- 2.15 “Contract” is a binding agreement between two or more legal entities, awarded under this Procurement By-law.
- 2.16 “Contractor” is any legal entity to which a contract is awarded.
- 2.17 “Council” is the Council of the Corporation of the City of Clarence-Rockland.
- 2.18 “Department” is any department in the City of Clarence-Rockland
- 2.19 “Delegation of Authority” is when a person in authority appoints some or all of their authority to other City employees.
- 2.20 “Designated” means an employee designated by a Director and approved by the Chief Administrative Officer to exercise any or all responsibilities with respect to this Policy.
- 2.21 “Director” is any Director or designate of a department within the City of Clarence-Rockland.

- 2.22 “Family Member” is a spouse (including common law spouse), parent, grandparent, sibling, child, grandchild, niece, nephew, uncle, aunt or cousin of the City employee.
- 2.23 “Goods” means personal property, including raw materials, products, supplies, equipment and other physical objects of every kind and description but does not include real property.
- 2.24 “Lease” an agreement by which one party (lessee) leases from a second party (lessor) equipment or space for a specified period of time at a predetermined cost.
- 2.25 “Litigation (Pending)” is whereby a potential claimant has demonstrated or manifested an intention to assert a possible claim.
- 2.26 “Manager of Supply” is the Manager of Supply and Processes of the City or designate.
- 2.27 “Non-compliant” means the response to the bid solicitation does not conform to the mandatory requirements contained in the bid solicitation.
- 2.28 “Payment Card” is a credit card used by authorized employees to pay for goods.
- 2.29 “Procurement means”
- purchasing, renting, leasing, or otherwise acquiring any goods and/ or services or construction; includes all functions that pertain to the acquisition, including the description of requirements, preparation, solicitation, selection and award of the contract and all phases of contract administration; and
  - the combined functions of purchasing, inventory control, transportation, receiving, inspection, storekeeping, salvage and disposal operations.
- 2.30 “Supply Department” means the section of the Finance Department that is responsible for the procurement of goods and/ or services for the City.
- 2.31 “Professional Services” services rendered by members of a recognized profession or possessing a special skill. Such services are generally acquired to obtain information, advice, training, or direct assistance.
- 2.32 “Proponent” a legal entity that submits a proposal.
- 2.33 “Proposal” is a submission received in response to a Request for Proposal, acceptance of which may be subject to further negotiations
- 2.34 “Purchase Order means”;
- a) a written confirmation of the procurement of goods and / or services at a specific cost and required for any procurement of goods and / or services.
  - b) may be used as the City’s contract with the vendor to formalize all the terms and conditions of a proposed transaction, such as a description of the requested items, delivery schedule, terms of payment, and transportation.
- 2.35 “Quotation” is a submission received in response to a Request for Quotations.
- 2.36 “Request for Expression of Interest (REI)” is an information gathering exercise, where the City makes a request to the market for the purpose of compiling a list of potential bidders who may be interested in providing goods and/or services to the City. This process does not create any contractual obligations.

- 2.37 “Request for Information (RFI)” is an information gathering exercise, where the City makes a request to the market for the purpose of compiling market information on goods and/or services. This process does not create any contractual obligations.
- 2.38 “Request for Pre-Qualification (RPQ)” is a request for the submission of information from potential bidders, that may include, but not limited to, experience, education, financial strength, and capabilities. Typically, a RPQ is a pre-cursor to a tender and multiple bidders are pre-qualified.
- 2.39 “Request for Proposal (RFP)” is a request for submissions focused on obtaining best-value where price is not the only evaluation factor as other evaluation criteria such as experience of personnel / bidder, methodology, and approach, among other things are weighted. The pre-defined evaluation process, once applied, will reveal the successful proponent that obtained the highest scoring proposal, not necessarily the lowest priced.
- 2.40 “Request for Quotation (RFQ)” is a request for submissions where the specifications are defined and the successful bidder of the RFQ is the lowest compliant bidder and the value of the procurement is under \$50,000.
- 2.41 “Request for Tender (RFT)” is a request for submissions where the specifications are pre-defined, confirmed in evaluation as being compliant and the successful bidder of the competition is the lowest compliant bidder
- 2.42 “Request for Standing Offers (RFSO)” is a request for standing offers where unit pricing for known goods or defined services of defined skills sets is the primary evaluation factor or other evaluation criteria such as experience of personnel / bidder, availability, or quality, among other things are considered. The successful proponents of the RFSO are made potential vendors for goods or services that are later set within a defined scope of work.
- 2.43 “Scope of Work” is the work that has been described in a bid solicitation that must be done to deliver the goods and/or services with the specified features and functions within the time, quality and price specified.
- 2.44 “Services” is any professional or general service work performed which does not result in the delivery of goods, e.g. repairs, training, surveys, consulting, etc.
- 2.45 “Sole Sourcing” is any procurement made where the procurement of goods and/or services is unique to a particular vendor and cannot be obtained from another source.
- 2.46 “Single Sourcing” is any procurement made where the procurement of goods and/or services is from a particular vendor rather than through bid solicitation from other vendors who can also provide the same goods and/or services.
- 2.47 “Tender” is a submission received in response to a Request for Tender
- 2.48 “Value for Money/Best Value” is a value-for-money approach which aims to deliver goods and / or services with a lower total life-cycle cost while maintaining a high standard.
- 2.49 “Vendor” is a supplier / seller of goods and/or services.

### **3. APPLICATION OF BY-LAW**

This Procurement By-law shall apply to the procurement of goods and/or services for the purposes of all City Departments. No expenditure, procurement or commitment shall be incurred or made, and no account shall be paid

by the City for goods and/or services except as provided in this Procurement Bylaw or otherwise approved by Council.

#### **4. ETHICS**

The Ontario Public Buyers Association's Code of Ethics is based on the following tenets and all City employees who are authorized to procure goods and / or services on behalf of the City are to adhere to the following:

- 4.1 Open and honest dealings with everyone who are involved in the procurement process. This includes all businesses with which the City of Clarence-Rockland enters into contracts with or from which it procures good and/ or services, as well as all City employees and of the public who utilize the services of the Supply Department section of the Finance Department;
- 4.2 Fair and impartial award recommendations for all contracts and tenders. This means that the City does not extend preferential treatment to any vendor, including local companies, as is it not good business practice since it limits fair and open competition for all vendors and is therefore a detriment to obtaining the best possible value for each tax dollar;
- 4.3 An irreproachable standard of personal integrity on the part of all those designated as procurement agents for the city. Absolutely no gifts or favors are accepted by the procurement agents for the City of Clarence-Rockland in return for business or the consideration of business. Also, the procurement agents of the City of Clarence-Rockland shall not publicly endorse one company in order to give that company an advantage over others;
- 4.4 Cooperation with other public agencies in order to obtain the best possible value for every tax dollar. The City of Clarence-Rockland may participate with other government agencies or public authorities in co-operative purchasing where it is in the best interests of the City to do so; and
- 4.5 Continuous development of procurement skills and knowledge. All members of the Supply Department shall take advantage of the many opportunities provided by the various purchasing associations to further their knowledge of good public procurement principles and to maintain excellent skills.

#### **5. ACCOUNTABILITY AND RESPONSIBILITY**

##### **5.1 Chief Administrative Officer**

The Chief Administrative Officer has the authority to instruct directors not to award contracts and to submit recommendations to Council for approval and may provide additional restrictions concerning procurement where such action is considered necessary and in the best interest of the City

##### **5.2 Directors**

Each Director shall be responsible for:

- 5.2.1 The preparation and submission of reports for award of the contracts in accordance with this Procurement By-law;
- 5.2.2 Preparation of market ready specifications, scope of work or terms of reference;
- 5.2.3 That an original copy of all contracts be provided by the Director to the City Clerk;
- 5.2.4 Contract review and inspection to ensure that the scope of work, good and/ or services is being delivered in accordance with the contract;

- 5.2.5 Informing the Supply Department of any discrepancies with the receipt of goods and / or services, if required;
- 5.2.6 Authorizing the payment of bills;
- 5.2.7 Review of contractor performance;
- 5.2.8 For procurement activities within their departments and are accountable for achieving the specific objectives of the procurement project;
- 5.2.9 To award contracts in the circumstances specified in this By-law provided that the delegated power is exercised within the limits prescribed in this By-law, and the requirements of this by-law are met.
- 5.2.10 In conjunction with Supply Department shall provide evidence that the contract pricing represents fair market value;
- 5.2.11 In conjunction with the City Treasurer shall select the appropriate means to guarantee execution and performance of the contract. Means may include one or more of, but are not limited to, financial bonds or other forms of security deposits, provisions for liquidated damages, progress payments, and holdbacks.

Guarantees should:

- a) Not be excessive but sufficient to cover financial risks to the City;
  - b) Provide flexibility in applying leverage on a supplier so that the penalty is proportional to the deficiencies, and;
  - c) Comply with provincial statutes and regulations.
  - d) Prior to publishing proposals ensure financial bonds for contract performance shall only be required where the City will be exposed to costs if the contractor does not complete the requirements of the contract.
- 5.2.12 Prior to commencement of work Directors will provide evidence of satisfactory insurance, ensuring indemnification of the City of Clarence-Rockland from any and all claims, demands, losses, costs or damages resulting from the performance of a supplier's obligations under the contract;
- 5.2.13 Prior to payment to a supplier, the Director will obtain, a Certificate of Clearance from the Workplace Safety and Insurance Board ensuring all premiums or levies have been paid to the Board to date.
- 5.2.14 Approval of accounts within the approved budget for such department or any amendment to same as approved by Council;
- 5.2.15 Standardizing the use of goods and/or services, where such standardization demonstrably supports the purposes, goals and objectives of this By-law.

### 5.3 Treasurer

The Treasurer is responsible to and shall have the authority to:

- 5.3.1 Establish administrative procedures and policies for the implementation of this By-law;

- 5.3.2 Establish, through consultation with the Chief Administrative Officer, standards for bid solicitations, purchase orders, contracts and other documents;
- 5.3.3 Ensure open, fair and impartial purchasing processes for goods and/or services;
- 5.3.4 Ensure compliance with this By-law and advise the Chief Administrative Officer when there has been non-compliance.
- 5.3.5 Ensure quarterly review of purchasing authority delegation.

#### 5.4 Manager of Supply

The Manager of Supply shall be responsible for:

- 5.4.1 Issuance and administration of the procurement process for the procurement of goods and/ or services, such as, but not limited to service contracts, IT Procurement, winter control, fleet requirements, consulting requirements, food services, fuel, natural gas, electricity;
- 5.4.2 Administration and interpretation of this Procurement By-law;
- 5.4.3 Ensuring compliance to this By-law and reporting non-compliance, in writing to the Client Department Director, Treasurer, and/ or Chief Administrative Officer;
- 5.4.4 Providing procurement advice including preparing bid documentation;
- 5.4.5 Checking and ensuring procedural compliance of bids;
- 5.4.6 Reviewing the specifications, scope of work or terms of references as prepared by the Client Department to ensure a level playing field among bidders;
- 5.4.7 Committing and coordinating co-operative procurement with other levels of government, municipalities, boards, agencies, commissions, or public sector entities where such procurement are determined to be in the best interests of the City;
- 5.4.8 Disposal of surplus and obsolete goods that had an initial procurement value over \$10,000, or other goods if deemed to be in the best interest of the City
- 5.4.9 Review of reports prepared by other City employees for award of the contracts for compliance with this Procurement By-law;
- 5.4.10 Administration of a contractor performance program;
- 5.4.11 Committing and coordinating the consolidation of similar goods and / or services for the City in order to achieve volume discounts and administrative efficiencies;
- 5.4.12 Creation, amendment and deletion of policies, practices and procedures that support the objectives and application of this By-law; and
- 5.4.13 For awards of competitive contracts of a value of \$50,000 or less, the Supply Department may award a contract on behalf of a Director provided that Supply is in receipt of a funded requisition and the requirements of this bylaw are met

5.4.14 The Manager of Supply will ensure the financial signing authority matrix is available to all Supply employees

5.4.15 The Supply Department employees will review the list prior to completing tasks that require approval.

## **6. FINANCIAL SIGNING AUTHORITY**

A contract may be awarded under this By-law subject to the policies defined hereunder and pursuant to the financial signing authority matrix that is maintained by the City Treasurer. Departmental staff involved in the procurement process should ensure that they have the latest financial signing authority matrix from the City Treasurer.

The City Treasurer shall provide updated financial signing authority matrix to the Manager of Supply each time there is a revision.

## **7. DELEGATION OF AUTHORITY**

The Director has the ability to delegate their signing responsibility and the following process will be followed:

7.1 The Director shall prepare a Delegation of Authority Form Annex "A";

7.2 The form shall provide evidence that the City employees listed have been delegated authority for the Procurement of Goods and/ or Services;

7.3 The form shall be updated immediately upon any change in City employees or position;

7.4 A copy of the form shall be sent to the City Treasurer each time there is a revision;

Once a responsibility has been delegated by the Director, City employees that have been provided delegated authority shall not have the authority to further delegate this authority to any other person.

## **8. QUARTERLY REPORT TO COUNCIL**

8.1 The Treasurer shall report on a monthly basis to Council all purchases that were exercised by City Staff for expenditures of \$5,000.00 or greater.

8.2 The Manager of Supply shall submit to Council an information report semi-annually containing the details relevant to the exercise of delegated authority for all contracts awarded by Directors exceeding \$50,000 and Supply Services shall certify in the report that the awards are in compliance with the Procurement By-law.

## **9. REPORT WRITING RESPONSIBILITY**

Report writing responsibilities recommending Council approval for award will typically belong to the client department receiving the respective good and/ or services. Generally, the client department is best equipped and qualified for this

## **10. FORMAL BID PROCESS**

10.1 All Bids (with the exception of submissions in response to Requests for Pre-Qualification) shall be received by the Manager of Supply or otherwise in accordance with the instructions in the bid solicitation, and opened



in public at the time and place stated in the bid solicitation unless specified otherwise in the bid solicitation documents.

- 10.2 The opening of all bids shall be attended by the Manager of Supply or designate and the department head and/ or designate.
- 10.3 Closing times for sealed bids will be determined by the Supply Department, at the designated location.
- 10.4 Bid irregularities shall be administered in accordance with Schedule "A".

## **11. BID DEPOSITS**

- 11.1 Bid deposits or an Agreement to Bond shall be required to accompany bid submissions for all municipal construction projects with an estimated value of more than \$100,000.00, excluding taxes, and for any other contract, scope of work or purchase as deemed appropriate by the department head.
- 11.2 All bonds must be originals, signed and sealed. No fax or photocopies will be accepted.
- 11.3 The bid bond must be issued by a bonding agency currently licensed to operate in the Province of Ontario naming the City as the obligee.

## **12. BONDING REQUIREMENTS**

- 12.1 Performance, Labor and Material and/or Maintenance Bonds are required for all construction projects exceeding \$100,000.00 for a minimum of 25% of the bid amount.
- 12.2 All bonds must be originals, signed and sealed. No fax or photocopies will be accepted.
- 12.3 The bond must be issued by a bonding agency currently licensed to operate in the Province of Ontario naming the City as the obligee.

## **13. DISPOSAL OF SURPLUS AND OBSOLETE GOODS**

Directors shall submit lists comprising assets exceeding \$10,000.00 which are obsolete, damaged or surplus to that department's needs.

- 13.1 All surplus assets shall first be offered to other departments within the Corporation. Upon this first step, surplus assets to be offered outside the Corporation must be approved by the CAO.
- 13.2 All surplus assets not required by any department of the Corporation may then be offered to public sector agencies and charitable organizations within the City prior to any public disposal procedure, donation or sale to area municipalities.
- 13.3 Surplus assets may be donated to non-profit agencies or non-profit institutions.
- 13.4 Surplus assets must be sold by sealed bid or public auction through the, municipal website or any other online classified site(s).

- 13.5 The respective department shall be credited with the net proceeds, if any, from the disposal of its surplus assets unless otherwise authorized by the Chief Administrative Officer or Council
- 13.6 Surplus assets shall not be sold directly to an employee or to a member of Council, although this does not prohibit any employee or member of Council from purchasing surplus assets being sold through a public process.
- 13.7 At the discretion of the Manager of Supply, disposal of goods may be done by the Supply Department, irrespective of the value, if deemed to be in the City's best interests.

#### **14. RESPONSE TIME FOR BIDS**

- 14.1 A minimum response time for bidders to submit a bid will be 15 working days for bid solicitations that are budgeted for \$50,000 and over.
- 14.2 For more complex bid solicitations, more than 15 working days should be considered.

#### **15. MONETARY REFERENCE**

- 15.1 All references to dollar amounts in this By-law are in Canadian dollars.
- 15.2 For bid evaluation purposes, all bids submitted in currencies other than Canadian dollars shall be converted to Canadian dollars, at the exchange rate established by the Finance Department.
- 15.3 All references to dollar amounts in this By-law do not include applicable taxes.

#### **16. PROCUREMENT POLICIES**

The following are procurement policies that involve all of the procurement methods discussed in Section 17.0.

- 16.1 Designated departmental employees with sufficient financial signing authority are authorized to award contracts;
- 16.2 Recommended bidder is the lowest compliant bidder (s) meeting specifications in the case of a tender or the highest scoring proponent(s) in the case of a proposal;
- 16.3 The Manager of Supply will work with the Director's to identify corporate opportunities to consolidate the procurement of goods and / or services to obtain such benefits such as volume discounting and administrative efficiencies;
- 16.4 The copies of the bids and any contract(s) that may result shall be kept on file by the Supply Department in accordance with the Corporate Records Retention By- law and for audit purposes;
- 16.5 Council approved budget authority exists for the procurement;
- 16.6 For capital contracts, the total project cost is within the approved capital budget amount. For multi-year operating contracts, the funding for future years can reasonably be expected to be made available if the funding is included in the current year's approved budget.

**17. REGULAR PROCUREMENT (SCHEDULE “B” ILLUSTRATES A SUMMARY OF PROCUREMENT METHODS)**

**17.1 Low Value Procurement (\$0-\$499)**

- 17.1.1 This acquisition process can be performed by staff delegated by the Director, or if they so desire, by the Procurement Services Department.
- 17.1.2 Directors are responsible to ensure only purchases, which can be demonstrated to have been made at fair value, shall be made
- 17.1.3 Request may be on a payment card or purchase order;

**17.2 Low Value Procurement (\$500 up to but not including \$2,500)**

- 17.2.1 This acquisition process can be performed by staff delegated by the Director, or if they so desire, by the Procurement Services Department.
- 17.2.2 Directors are responsible to ensure only purchases, which can be demonstrated to have been made at fair value, shall be made
- 17.2.3 Request may be on a payment card or purchase order;
- 17.2.4 A minimum of three verbal quotes are requested; (Verbal quotes shall be recorded in writing by staff)

**17.3 Request for Quotation (\$2,500 up to but not including \$50,000) / Bid**

- 17.3.1 This acquisition process performed by the Procurement Services Department;
- 17.3.2 The Request for Quotation does not exceed \$50,000;
- 17.3.3 A minimum of three bidders are requested to submit a bid;
- 17.3.4 Method of payment shall be a purchase order or agreement;
- 17.3.5 Three written quotes are required; (Written quotes shall be supplied by vendors)

**17.4 Request for Tender (\$50,000 up) / Bid**

- 17.4.1 This acquisition process performed by the Procurement Services Department;
- 17.4.2 The bid is advertised on the City's website and other sources such as the local paper, industry newspaper and other websites as required;
- 17.4.3 Director / CAO required to approve or award; Agreements if purchase does not exceed \$10,000 of the approved budget;

- 17.4.4 Council Resolutions are required to approve award; Agreements signed by Mayor and City Clerk if purchase is over the approved budget by \$10,000;
- 17.4.5 Method of payment shall be a purchase order or agreement.
- 17.4.6 Tenders will be opened publicly and the names of all the bidders and the total bid amount for all bidders will be disclosed publicly.
- 17.4.7 Recommended bidder is the lowest compliant bidder (s) meeting specifications.

17.5 Request for Proposal (\$50,000 up) / Bid

- 17.5.1 This acquisition process performed by the Procurement Services Department;
- 17.5.2 The bid is advertised on the City's website and other sources such as the local paper, industry newspaper and other websites as required;
- 17.5.3 Director / CAO required to approve or award; Agreements if purchase does not exceed \$10,000 of the approved budget;
- 17.5.4 Council Resolutions are required to approve award; Agreements signed by Mayor and City Clerk if purchase is over the approved budget by \$10,000;
- 17.5.5 Method of payment shall be a purchase order or agreement;
- 17.5.6 The technical section of the proposals and the declaration of acceptance will be opened publicly while sealed pricing envelopes will remain sealed until after evaluation of each criterion.
- 17.5.7 Recommended bidder is the highest scoring proponent.

**18. NON-COMPETITIVE PROCUREMENT (SCHEDULE "B" ILLUSTRATES A SUMMARY OF PROCUREMENT METHODS)**

- 18.1 The City should employ a competitive procurement process for goods and / or services, but in special circumstances, a competitive bid process may not be possible or preferred. This is known as "non-competitive procurement". Criteria for non-competitive processes are outlined in Schedule D. Non-competitive procurements include Single Sourcing, Sole Sourcing and Unsolicited Bids;
- 18.2 Non-competitive Low Value Procurement (up to but not including \$5,000)
  - 18.2.1 Request may be on a payment card or purchase order;  
  
Process Approval, Manager of Supply;
  - 18.2.2 Approval, Manager and Director
  - 18.2.3 Written quote is required.

18.3 Non-competitive moderate value \$5,000 up to but not including \$50,000

18.3.1 Process Approval, Manager of Supply;

18.3.2 Approval, Chief Administrative Officer;

18.3.3 Method of Payment Purchase Order/Agreement

18.4 Non-competitive High value > \$50,000

18.4.1 Process Approval, Manager of Supply;

18.4.2 Must be approved by City Council;

18.4.3 Method of Payment Purchase Order/Agreement

## **19. EMERGENCY PROCUREMENT**

19.1 When an event occurs that is determined by the Chief Administrative Officer to be a threat to public health, the maintenance of essential City services, the welfare of persons or of public property, the protection of the City's physical assets, or the security of the City's interests and the occurrence requires the immediate delivery of goods and/ or services and time does not permit the issuance of competitive bids to acquire such goods and/ or services the Chief Administrative Officer after advising the Mayor may make such procurement without the involvement of the Manager of Supply or a competitive bid process and is authorized to do so in the most expedient and economical means possible.

19.2 In the case of a declared emergency the City's Emergency Response Plan will supersede this By-law;

19.3 The Chief Administrative Officer will report emergency procurement to City Council at the next Council meeting.

## **20. IN-HOUSE BIDS**

20.1 In-house bids are a process that allows for internal staff to compete with external entities for procurement opportunities.

20.2 If in-house bids are considered the City must advise all potential suppliers in the bid documents that in-house departments will be permitted to submit bids.

20.3 The direct and indirect costs (e.g. Dollars, staffing, technology and equipment) required to produce the activities are fairly attributed and are fairly evaluated against external bids.

20.4 In- house bids need to be arms-length from all aspects of the procurement process. This includes defining the scope of the work, preparing and circulating the bid document, evaluating the bids, negotiating the contract and monitoring performance and addressing poor performance. This is to promote objectivity, avoid conflicts and challenges to the process.

## **21. REQUEST FOR PRE-QUALIFICATION**

The Manager of Supply is authorized to conduct a Request for Pre-Qualification process. This is typically used in a stepped procurement process for larger projects or projects where there are significant risks.

## **22. REQUEST FOR EXPRESSION OF INTEREST / REQUEST FOR INFORMATION**

The Manager of Supply is authorized to conduct a Request for Expression of Interest or a Request for Information. A Request for Expression of Interest or Request for Information may be conducted as a preliminary step before a Request for Tender, Request for Quote, Request for Proposal or a Pre-Qualification process.

## **23. STANDING OFFER PURCHASES**

- 23.1 A Request for Standing Offer may be used where: (a) one or more clients repetitively order the same goods or services and the actual demand is not known in advance, or a need is anticipated for a range of goods, services and construction for a specific purpose, but the actual demand is not known at the outset, and delivery is to be made when a requirement arises.
- 23.2 The Supply Department shall establish and maintain standing offers that define source and price with selected suppliers for all frequently used goods or services.
- 23.3 To establish prices and select sources, the Supply Department shall employ the provisions contained in this By-law for the acquisition of goods, services and construction.
- 23.4 More than one supplier may be selected where it is in the best interests of the City and the bid solicitation allows for more than one. In circumstances where competition results in a large number of offers from vendors, which offers exceed the needs of the City, the Supply Department is authorized to approach the highest ranked vendors to negotiate lower unit rates for the goods or services in return for a reduction in the number of firms authorized to provide the goods or services or the offer of a firm contractual commitment by the City.
- 23.5 Where purchasing action is initiated by a department for frequently used goods or services for which a standing offer is in place and the value of the purchasing action exceeds \$2,500, it is to be made with the supplier or suppliers listed in the standing offer.
- 23.6 In a Request for Standing Offer, the expected quantity of the specified goods or services to be purchased over the time period of the agreement will be as accurate an estimate as practical and be based, to the extent possible, on previous usage adjusted for any known factors that may change usage.
- 23.7 A call-up against a standing offer is considered to be an individual contract, and the normal contract award prescribed limits apply, unless otherwise stated in the original approval document.

## **24. EXEMPTIONS**

Upon approval of the CAO of an exemption request, the Department Head is to submit a report to Council about such request exemption from any or all of the purchasing methods outlined in this policy. Such exemption must be granted through a resolution and a copy must be forwarded to the Finance Department.

## **25. PRESCRIBED COUNCIL APPROVAL**

25.1 Despite any other provision of this By-law, the following contracts are subject to Council approval:

25.1.1 Any contract requiring approval from the Ontario Municipal Board;

25.1.2 Any contract prescribed by Statute to be made by Council;

25.1.3 Where the cost amount proposed for acceptance is higher than the Council approved department estimates and the necessary adjustments cannot be made;

25.1.4 Where the revenue amount proposed for acceptance is lower than the Council approved department estimates;

25.1.5 Where a major irregularity precludes the award of a tender to the supplier submitting the lowest responsive bid;

25.1.6 Where authority to approve has not been expressly delegated; and

25.1.7 Where a contract is a result of a public private partnership ("P3") opportunity.

25.2 No provision of the By-law precludes a Director or the Supply Department from submitting an award to Council where:

25.2.1 In the opinion of a Director, it is in the best interest of the City to do so; or

25.2.2 It is a matter of procurement procedure and, in the opinion of Supply Department; it is in the best interest of the City to do so.

## **26. NEGOTIATION**

26.1 Notwithstanding that negotiation may be a component of another procurement process, negotiation may be used for purchases of goods and/or services when any of the following criteria apply:

26.1.1 The required goods and/or services are in short supply;

26.1.2 Competition is precluded due to the existence of any patent right, copyright, technical secret or control of raw material;

26.1.3 A sole source has been approved;

26.1.4 Two (2) or more identical bids are received;

26.1.5 The lowest compliant bid received meeting all specifications exceeds the budget amount;

26.1.6 The extension of an existing contract would be more effective;

26.1.7 Only one (1) bid is received in response to a bid solicitation;

26.1.8 The bid solicitation process has been cancelled without award;

26.1.9 There is Council authorization to do so.

- 26.2 All purchases shall be authorized in accordance with the purchasing authorities set out in Schedule "B" and all contracts shall be signed as set out in the bid solicitation documents or as otherwise set out in the Corporation's delegation of authority.

## **27. CANADIAN CONTENT**

The City will endeavor to achieve best value in its procurement of goods and/ or services. With this in mind, the City will not be bound to procure goods and/ or services based upon Canadian content.

## **28. TRADE AGREEMENTS**

Procurement by the City may be subject to the provisions of trade agreements. Where an applicable trade agreement is in conflict with this By-law, the trade agreement shall take precedence. The Supply Department shall advise Directors where a procurement action may not conform to an applicable trade agreement as early as possible in the procurement process.

## **29. ADVERTISING PROCUREMENT OPPORTUNITIES**

- 29.1 For goods and services procurement estimated at \$100,000 or more and construction procurement estimated at \$250,000 or more, the City is required to use an electronic advertising/tendering system providing equal access to potential vendors across the country. Other methods of advertising may be used in addition to an electronic system.
- 29.2 For construction procurements estimated between \$100,000 and \$250,000, the agreements require that at least one of the following methods is to be used:
- 29.2.1 An electronic advertising/tendering system providing equal access to potential vendors across the country
  - 29.2.2 A daily newspaper (e.g. local newspaper, trade publications) designated by the City; or
  - 29.2.3 Supplier lists, provided that the prequalification process is fair and open and allows other suppliers to qualify on an annual basis or each time if the qualification is for a specific project.

## **30. LOCAL PREFERENCE**

- 30.1 The following two legislative documents prohibit municipalities from adopting a Local Preference Policy:
- 30.1.1 The Canada-European Union Comprehensive Economic and Trade Agreement (CETA); and
  - 30.1.2 The Canadian Free Trade Agreement (CFTA).
- 30.2 The primary objective of the purchasing process is to acquire goods/services at the lowest possible cost, consistent with the demands of suitability, quality, service, and delivery capabilities.

## **31. GREEN PROCUREMENT**

- 31.1 The City will endeavor to acquire goods and/ or services that minimize impacts on the environment and perform efficiently and effectively. While evaluating goods and/ or services for procurement (including all



aspects related to the production, transportation, use of operation, and replacement or disposal of goods) the following environmental factors will be considered in the addition to the specific requirements of the good and/or service:

- 31.1.1 Durable and reusable, as opposed to single use or disposable items;
- 31.1.2 Non-toxic or least toxic option, preferably compostable or biodegradable;
- 31.1.3 Reduce greenhouse gas and air pollutant emissions;
- 31.1.4 ENERGY STAR® rated if available or most energy-efficient option;
- 31.1.5 Recyclable, but if not recyclable, may be disposed of safely, or, vendor will take back good at its end of life;
- 31.1.6 Made from recycled materials;
- 31.1.7 If made from raw materials, they have been obtained and manufactured in an environmentally sound, sustainable manner;
- 31.1.8 Results in minimal or no environmental damage during normal use or maintenance;
- 31.1.9 Minimum packaging (consistent with the care of the good), preferably made of reusable, recycled or recyclable materials;
- 31.1.10 The lifecycle cost of the good through the acquisition, operation, and end of good life, including environmental impacts (a cradle to grave approach);
- 31.1.11 Reusable shipping packaging.

## **32. ACCESSIBILITY WHEN ACQUIRING GOODS AND/OR SERVICES**

In accordance with the Human Rights Code, Ontarians with Disabilities Act, 2001 and the Accessibility for Ontarians with Disabilities Act, 2005 and its regulations, and specifically the Integrated Accessibility Standards, Ontario Regulation 191/11, Part 1, sections 5 and 6, accessibility requirements will be incorporated into the specifications with respect to the Procurement of goods and/ or services. Where possible, when a RFP competition is conducted, accessibility will be one of the evaluation criteria that will be considered in the decision making process.

## **33. DISCLOSURE OF INFORMATION**

The Manager of Supply will not disclose commercial information, such as unit pricing and detailed information provided on potential solutions. Nonetheless, it should be noted that all information collected by the City is subject to the Municipal Freedom of Information and Protection of Privacy Act.

## **34. TIE BIDS**

- 34.1 If two equal bids are received, a means of breaking the tie consistent with the provisions of the solicitation shall be employed.
- 34.2 Factors to be considered in breaking the tie include:
  - 34.2.1 Prompt payment discount;

- 34.2.2 When delivery is an important factor, the bidder offering the best delivery date be given preference;
- 34.2.3 A bidder in a position to better provide after sales service, with a good record in this regard, be given preference;
- 34.2.4 A bidder with an overall satisfactory performance record is given preference over a bidder known to have an unsatisfactory performance record;
- 34.3 Where two (2) or more Proposals achieve a tie score on completion of the evaluation process, the Purchaser shall break the tie by “flip of a coin”. This action shall be taken in the presence of both Bidders.
- 34.4 If two Bids in response to a Tender or Request for Quotation are found to be equal in price, quality and service, the successful Bidder shall be chosen by “flip of a coin”. This action shall be taken in the presence of both low Bidders.  
If more than two Bidders are equal in all three areas – price, quality, service – the determination of the successful Bidder shall be established in the presence of the low Bidders by Lot (drawing a name from a container).

## **35 BID IRREGULARITIES**

Bid irregularities will be dealt with according to Schedule A. This schedule will be included in all procurement documents where the procurement is greater than \$50,000. The evaluation of bid irregularities is not limited to the criteria set out in Schedule “A” and shall include such matters as Council deems appropriate in its sole and absolute discretion.

## **36 CONTRACT EXTENSIONS**

- 36.1 The standard practice when a contract is or will be expiring is to conduct a new competitive process. Once all contract extensions within the contract have been exhausted, contracts may be extended at the discretion of the Manager of Supply if the situation warrants it.
- 36.2 If a contract extension is being sought from Council, the Manager of Supply will be provided an opportunity to review and provide comment on the report.

## **37 FORM OF CONTRACT**

- 37.1 An award will require a formal written agreement or a purchase order.
- 37.2 A purchase order will; be used when the resulting contract is deemed straightforward, in the opinion of the department head, in consultation with the Treasurer, and will refer to the Corporation's standard terms and conditions outlined in the bid solicitation.
- 37.3 A formal written agreement satisfactory to the CAO shall be used when the resulting contract is deemed complex, in the opinion of the department head, in consultation with the Treasurer.

- 37.4 It shall be the responsibility of the department head in consultation with the CAO to determine if it is in the best interest of the Corporation to establish a formal written agreement with the supplier.

### **38 PAYMENT CARD**

The City's Payment Card should be used as a payment tool for low dollar procurement and City employees are still required to adhere to the Procurement Bylaw.

### **39 OTHER ENTITIES**

If the Manager of Supply administers a procurement process for any other entities, then the other entities will be governed by this Procurement By-law for the particular goods and/ or services that is procured.

### **40 RECORD RETENTION**

- 40.1 The City of Clarence-Rockland shall keep records of procurement, as well as any other pertinent information, for reporting and audit purposes. The length of time for this record retention will be in accordance with the Corporate Records Retention By-law. Some examples of records that should be retained include:

- 40.1.1 The approvals obtained;
- 40.1.2 Copies of procurement documents used to qualify and select vendors;
- 40.1.3 Copies of award letters, notices and posted announcements;
- 40.1.4 Copies of agreements;
- 40.1.5 Changes to the terms and conditions of the agreement, especially changes in the agreement price;
- 40.1.6 Contractor performance, such as performance monitoring and management and knowledge transfer;
- 40.1.7 Receipt of deliverables;
- 40.1.8 Any other documentation related to procurement.

- 40.2 Whoever is responsible for the administration of the procurement process shall be responsible for the record retention of that particular procurement.

### **41 CITY EMPLOYEE BENEFITS**

City employees will not be able to benefit by procuring goods from the City at the City's net cost.

### **42 PROHIBITIONS AND COMPLIANCE**

- 42.1 All persons involved in the procurement of goods and/or services provided for in this By-law, shall act in a manner consistent with the requirements and objectives of this By-law.
- 42.2 No City employee shall divide the procurement of goods and/ or services with the intent of avoiding monetary limits or the requirements of this By-law.
- 42.3 No goods and/ or services shall be procured under this By-law by any person unless:

- 42.3.1 The goods and/ or services are legitimately for the purposes of the City, or for any other entities on whose behalf the procurement is being undertaken; and
- 42.3.2 To the best of that person's knowledge and belief, the funds for the procurement of the goods and/ or services are available with the approved budget or the procurement is expressly made subject to funding approval and, to the extent that they may be required, funds are available from any other entities on whose behalf the procurement of goods and/ or services is also being made.
- 42.4 No City employee shall directly or indirectly influence the bidding process to obtain goods and/ or services on behalf of the City from their family member.
- 42.5 No City employee will directly or indirectly influence the sale of City assets to any family member.
- 42.6 Members of Council, appointed officers and City employees shall not knowingly cause or permit anything to be done or communicated to anyone which is likely to cause any potential vendor or contractor to have an unfair advantage in obtaining a contract for the supply of goods and/ or services to the City, or other entities involved in the procurement of goods and/ or services either jointly or in co-operation with the City.
- 42.7 Member of Council shall separate themselves from the procurement process and have no involvement whatsoever in specific procurements. Members of Council should not see any documents or receive any information related to a particular procurement while the procurement process is ongoing. Members of Council who receive inquiries from bidders related to any specific procurement shall immediately direct those inquiries to the Manager of Supply.
- The only exception to Article 42.7 will be at the discretion of the Chief Administrative Officer or the delegate actively involved in the procurement process to ensure fairness and integrity of the process
- 42.8 No City employee shall knowingly cause or permit anything to be done which will jeopardize the legal validity or fairness of any procurement of goods and/ or services under this By-law or which is likely to subject the City to any claim, demand, action or proceeding as a result of such act or omission.
- 42.9 Unauthorized procurement by City employees and flagrant disregard for the Procurement By-law or procurement policies and procedures is not acceptable. With an aim to inspire Procurement By-law adherence and minimize the possibility of City embarrassment and potential liability, the responsibility for payment may become that of the individual who procured the goods or services.

### **43 CONFLICT OF INTEREST**

- 43.1 All Bidders shall disclose to the City prior to submitting a bid and/or accepting a contract, any actual or potential conflict of interest. If the Manager of Supply determines a conflict of interest exists, the City may at its discretion not consider the bid submitted or not award the contract or consider other bids or terminate the contract.
- 43.2 No goods and/or services shall be purchased for any elected or appointed officials, members of a board or commission, or for Corporation officers, employees or their immediate family, except in accordance with this policy.
- 43.3 Every elected official, appointed officer, employee of the Corporation or member of an employee's immediate family is expressly prohibited from accepting, directly or indirectly, from any person, company, firm or corporation to which any purchase order or contract is, or might be awarded, any rebate, gift or money;

43.4 All elected officials, officers or employees of the Corporation shall declare any conflicts of interest to the Chief Administration Officer and shall have no involvement in a purchasing process where a conflict of interest exists, including, but not limited to:

43.4.1 Requesting goods and/or services, setting the parameters of the purchase, evaluating bids or recommending, deciding or making awards;

43.4.2 Direct contact with those making those purchasing decisions, both in the Supply Department and the user department.

43.5 Suppliers shall not be allowed to submit a bid for any bid solicitation in which the supplier has participated in the preparation of the bid solicitation, and any such bid submitted shall be disqualified except where such supplier has been specifically authorized by Council to participate in such bid solicitation.

#### **44 BLACKOUT PERIOD**

During the Blackout Period communication between bidders and City employees and between bidders and City Council is restricted. Bidders shall only contact the central point of contact identified in the bid document.

#### **45 NO LOBBYING**

45.1 No bidder or potential bidder shall contact any member of Council or any City employee to attempt to influence the award of a bid. Any activity designed to influence the decision making process of a bid solicitation, including, but not limited to, contacting any member of Council or registering as a delegate to a Committee of Council meeting or Council meeting prior to an award of a contract or contacting City employees for such purposes as meetings of introduction, social events, meals or meetings related to a bid solicitation may result in disqualification of the bidder for the bid solicitation to which the influential activity is deemed to be directed.

45.2 Notwithstanding the above, this prohibition does not apply to meetings specifically scheduled by the City for presentations or negotiations, or to questions which employees of the Supply Department may pose from time to time for clarification of the City's requirements.

45.3 The Manager of Supply's sole discretion will determine what constitutes influential activity acting reasonably, and not subject to appeal.

45.4 At the discretion of the Manager of Supply, any bidder who violates any provisions of this Procurement By-law may be prohibited from further bid solicitation opportunities for up to three (3) years as determined by the Manager of Supply.

#### **46 BID DISPUTE RESOLUTION**

46.1 To maintain the integrity of the procurement process, bidders who feel that they have been treated unfairly shall contact the City's contact listed on the bid document to request a debriefing in which the issues of concern may be discussed.

46.2 Should the debriefing meeting fail to satisfy the bidder, an appeal of the award decision may be requested in writing to the Manager of Supply within ten (10) days of the debriefing meeting.

46.3 The appeal shall be reviewed by a Dispute Committee. The Dispute Committee shall be comprised of the original city team members that participated in the procurement process, Chief Administrative Officer, Treasurer and the Manager of Supply.

46.4 The matter will be considered closed after the Dispute Committee's decision.

#### **47 LITIGATION AND BIDDERS**

The City shall not consider any bids submitted by a bidder that is in active or pending litigation against the City. Potential bidders who are involved with the City in litigation matters can represent a compromised effort and a higher likelihood of future problems and liability. For these reasons such vendors will be disqualified.

#### **48 SUSPENSION OF BIDDERS**

The City may, in its sole discretion, disqualify a supplier from bidding for up to three (3) years on any bid solicitation or reject a bid if a supplier:

48.1 Has, at any time, threatened, commenced or engaged in legal claims or litigation against the Corporation;

48.2 Is involved in a claim or litigation initiated by the Corporation;

48.3 Has had safety issues;

48.4 Has engaged in lobbying;

48.5 Previously provided Goods and/or Services to the Corporation in an unsatisfactory manner;

48.6 Has failed to satisfy an outstanding debt to the Corporation;

48.7 Has a history of illegitimate, frivolous, unreasonable or invalid claims against the Corporation or any other municipal government;

48.8 Is found to have colluded as a result of bidding or providing of goods or services to any municipal, provincial, or federal government or any of their agencies or corporations or legally related entities;

48.9 Provides incomplete, unrepresentative or unsatisfactory references; or

48.10 Has engaged in conduct that leads the Corporation to determine that it would not be in the Corporation's best interests to accept the bid.

#### **49 SEVERABILITY**

If any section or sections of this Procurement By-law or parts thereof are found by an adjudicator of competent jurisdiction to be invalid or beyond the power of Council to enact, such section or sections or parts thereof shall be deemed to be severable and all other sections or parts of the Procurement By-law shall be deemed to be separate and independent there from and shall continue in full force and effect unless and until similarly found invalid or beyond the power of Council to enact.

#### **50 SEGREGATION OF DUTIES**

At least three of the five functional procurement roles: Requisition, Budgeting, Commitment, Receipt and Payment must be segregated. Responsibilities for these roles must lie with different departments or, at a minimum, with different individuals. Where it is not feasible to segregate these roles, i.e., for smaller organizations, adequate compensating controls approved by an external auditor must be put in place.

## **51 PAYMENT FOR RECEIPT OF GOODS/SERVICES**

Typically, the City shall not pay for goods and/or services prior to receiving them. Similarly, procurement deposits and advance payments will not generally be employed in the City's business practices. Subscriptions and the procurement of Goods and/or services less than \$5,000 which are procured via the internet represent two types of accepted exceptions.

Exceptions may be authorized by the Treasurer

## **52 REPEAL**

That the City of Clarence-Rockland 2016-60 is hereby repealed.

Read a first, second and third time and passed this 15<sup>th</sup> day April 2019.

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Guy Desjardins, Mayor

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Monique Ouellet, Clerk

## SCHEDULE “A” – BID IRREGULARITIES

The Manager of Supply has the authority to apply this table to the procurement processes that they are administering.

Bid irregularities will be dealt with in accordance with the following table:

| Item | Irregularity   | Consequence  |
|------|--|--|
| 1    | Late bids  | Automatic rejection, returned unopened to bidder   |
| 2    | Bids received in an unsealed envelope  | Automatic rejection  |
| 3    | Bid submitted in a form other than the original Bid Form provided                                | Automatic rejection, unless in the opinion of the City the information provided is complete and it is not a financial schedule that has been submitted in a form other than the original Bid Form provided   |
| 4    | Bid Form not signed or witnessed   | Automatic rejection  |
|      | Bid Form signed by an authority to bind the company, but not witnessed                           | Upon notification, two (2) business days to seal or witness or bid shall be rejected   |
|      | Bid Form witnessed, but not signed by an authority to bind the company                           | Upon notification, two (2) business days to sign or bid shall be rejected  |
| 5    | Incomplete Bid   | Automatic rejection, unless:   |
|      |  | a) the competitive bid opportunity state that partial bids are acceptable, and the bid is complete in respect to the portion of the scope of work or deliverable(s) bid on; or   |
|      |  | b) in the opinion of the City, the omission is of a minor nature and is remedied by the bidder within two (2) business days of notification. Incomplete pricing shall not be considered minor in nature and shall result in automatic rejection, with the exception of the irregularities stated in accordance with Item 6 and 7 |
| 6    | If a unit price has been provided but the corresponding extended total has been omitted          | The extended total will be calculated from the unit price and the quantity specified, by the Owner   |
| 7    | If an extended total has been provided but the corresponding unit price has been omitted.        | The unit price will be calculated from the extended total and the quantity specified, by the Owner   |
| 8    | Mathematical errors which are not consistent with the Unit Price, such as tax calculation errors | Upon notification, two (2) business days to correct or bid shall be rejected   |



|    |  |  |
|----|--|--|
| 9  | Unit Price, which has been changed, not initialled but the corresponding extension is consistent with the amended Unit Price     | Upon notification, two (2) business days to initial or bid shall be rejected   |
| 10 | Unit price, which has been changed, not initialled and the corresponding extension is not consistent with the amended Unit Price | Automatic rejection  |
| 11 | Transfer of an amount from one part of the submission to another is incorrect or incomplete                                      | Upon notification, two (2) business days to correct or Bid shall be rejected   |
| 12 | Bid Bond, in the form, amount and irrevocability outlined in the Contract documents, not submitted                               | Automatic rejection, unless the Bid Bond submitted is in excess of the competitive bid document requirements   |
| 13 | Bid Bond not signed or sealed, as applicable   | Automatic rejection  |
| 14 | Bids not completed in ink or typed format  | Automatic rejection  |
| 15 | Alterations, additions, deletions or qualifying statements made to or provided with the Bid Form                                 | Automatic rejection, unless in the opinion of the City the statements provided do not qualify any pricing but are included for clarity purposes  |
| 16 | Strikeouts, erasures, whiteouts or overwrites made to the Bid Form that are not initialled                                       | Automatic rejection, unless in the opinion of the City, the failure to initial is minor in nature and is capable of being remedied; upon notification, bidders shall have two (2) business days to initial or the bid shall be rejected. Un-initialled alterations to pricing shall be dealt with in accordance with Items 8, 9 and 10 |
| 17 | Failure to have a representative in attendance and registered at a mandatory site visit  | Automatic rejection  |
| 18 | Bidder has not been previously prequalified under a related prequalification process, where applicable                           | Automatic rejection  |
| 19 | Addenda have not been acknowledged:  |  |
|    | a) which have financial implications   | Automatic rejection  |
|    | b) which have informational content  | Two (2) business days to acknowledge or bid shall be rejected  |

## SCHEDULE “B” – PROCUREMENT METHODS

Procurement Method / Process Approval / Signing Authority and Method

|                        | Dollar Value  | Method  | Process Approval  | Signing Authority                       | Method of Payment                                   |
|------------------------|---|---|---|---|---|
| <b>A.</b>              | <b>Regular procurement</b>  |   |   |   |   |
| 17.1.a                 | <b>Low Value</b><br><\$500  | Verbal quotation  | <del>Employee</del><br>Designate,<br>Manager<br>CAO         | Manager<br>Designate,<br>CAO            | Payment card/<br>Purchase Order/<br>Invoice         |
| 17.2                   | <b>Low Value</b><br>\$500 up to but<br>not including \$2,500                            | 3 Verbal Quotes<br>requested (see<br>section 17.2)<br>P-Card, PO or<br>RFSO | Manager,<br>Director,<br>Designate,<br>CAO                  | Manager<br>Director<br>Designate<br>CAO | Payment card/<br>Purchase Order/<br>Invoice         |
| 17.3                   | <b>Moderate value</b><br>\$2,500 up to but<br>not including<br>\$50,000                 | 3 Written Quotes<br>required. (see<br>section 17.3)<br>RFQ or RFSO          | Manager of<br>Supply and<br>Processes or<br>Director<br>CAO | Manager<br>Director<br>CAO              | Payment<br>card/Purchase<br>Order/Invoice           |
| 17.4                   | <b>High Value</b><br>Greater than<br>\$50,000<br><b>Within the<br/>Approved Budget</b>  | Request for Tender<br>(RFT) or Request<br>for Proposal (RFP)                | Manager of<br>Supply and<br>Processes or<br>Director        | CAO<br>Director                         | Purchase<br>Order/Invoice/Agree<br>ment             |
| 17.5<br>New /<br>added | <b>High Value</b><br>Greater than<br>\$50,000<br><b>Outside the<br/>Approved Budget</b> | Request for Tender<br>(RFT) or Request<br>for Proposal (RFP)                | Manager of<br>Supply and<br>Processes or<br>Director        | City Council                            | Purchase<br>Order/Invoice/Agree<br>ment             |
| <b>B.</b>              | <b>Non-competitive procurement</b>  |   |   |   |   |
| 18.2                   | <b>Low Value</b><br><\$5,000  | No method   | Manager of<br>Supply and<br>Processes or<br>Director        | Director<br>CAO                         | Payment card<br>receipt/ Purchase<br>Order/ Invoice |
| 18.3                   | <b>Moderate value</b><br>\$5,000 up to but<br>not including<br>\$50,000                 | PO  | Manager of<br>Supply and<br>Processes or<br>Director        | Director<br>CAO                         | Purchase<br>Order/Invoice                           |
| 18.4                   | <b>Mid and High<br/>Value</b> >\$50,000   | PO  | Manager of<br>Supply and<br>Processes or<br>Director        | City Council                            | Purchase<br>Order/Invoice/Agree<br>ment             |
| <b>C.</b>              | <b>Emergency procurement</b>  |   |   |   |   |
| 19                     | Unlimited   | No method   | CAO   | CAO                                     | Purchase Order/<br>Invoice                          |

## **SCHEDULE “C” - EXCEPTIONS**

Exceptions from requirements for a procurement process

- 1) A procurement process is not required for the following items; dollar values will determine the signing authority if a contract is to be signed.
  - a) Petty Cash Items
  - b) Training and Education
    - i. Conferences
    - ii. Courses
    - iii. Conventions
    - iv. Magazines
    - v. Memberships
    - vi. Periodicals
    - vii. Seminars
    - viii. City Employee development and training including all related, equipment, resources and supplies
    - ix. City Employee workshops including all related equipment, resources and supplies
    - x. Subscriptions
  - c) Refundable Employee Expenses – reimbursed through payroll
    - i. Meal allowances
    - ii. Miscellaneous – non-travel
    - iii. Other expenses authorized under City policy
  - d) Corporate General Expenses
    - i. Medicals
    - ii. On-going renewal of existing IM/IT related hardware & software licenses & maintenance support contracts, as well as contracts for Online Saas (Software as a service).
    - iii. Charges to or from other government agencies with approval from finance, including:
      - 1) Regional permits
      - 2) Cross boundary agreements
      - 3) Fire dispatch agreements
      - 4) Radio trunking license
  - e) Professional and special services

- i. Legal services, including realty services such as appraisal, land survey, negotiations, and expert services in disciplines such as planning, landscaping, hydrogeology, economic forecasting, as may be needed to deliver legal and realty services.
- ii. The acquisition, disposition and leasing of land as outlined in the Delegated Authority By-law
- iii. Legal services related to HR matters determined by the Director of Human Resources or designate
- iv. Performance / artist's fee / special events
- v. Providers of artistic and recreational services, such as instructors, dance / yoga / gymnastic teachers, historical experts, artistic designers
- f) Utilities (to include servicing and requested plant modifications / relocations related to construction)
  - i. Postage & courier services
  - ii. Water and sewage
  - iii. Hydro
  - iv. Gas
  - v. Telephone (basic services), cellular and wireless devices
  - vi. Cable television charges
  - vii. Other regulated authorities operating within and across municipal right of ways (e.g. CN Rail, Bell Canada)

## **SCHEDULE “D” – NON COMPETITIVE PROCUREMENT**

### Criteria for non-competitive procurement (Single/Sole Source)

Pursuant to Section 18.0, a Non-Competitive Procurement may be conducted using a single or sole source vendor only if one or more of the conditions listed in either (a) or (b) below apply. The conditions listed in (a) apply to sole source and the conditions listed in (b) apply to single source. The Manager of Supply will have the right of final determination, and a process may be undertaken to obtain the best value under the circumstances for the City:

- (a) The goods and/ or services are only available from one vendor by reason of:
  - (i) a statutory or market based monopoly; or
  - (ii) scarcity of supply in the market; or
  - (iii) the existence of exclusive rights such as patent, copyright or license; or
  - (iv) the complete item, service, or system is unique to one vendor and no alternative or substitute exists within Canada.
  
- (b) The goods and/ or services are available from more than one source, but there are good and sufficient reasons for selecting one supplier in particular, as follows:
  - (i) An attempt to acquire the required goods and/ or services by soliciting competitive bids has been made in good faith, but has failed to identify a willing, capable and compliant supplier; or
  - (ii) The confidential nature of the requirement is such that it would not be in the public interest to solicit competitive Bids; or
  - (iii) The solicitation of competitive bids would not be economical to the City; or
  - (iv) Construction, renovations, repairs, maintenance etc. in respect of a building leased by the City may only be done by the lessor of the building, in accordance with a lease agreement; or
  - (v) The goods are purchased under circumstances which are exceptionally advantageous to the City, such as in the case of a bankruptcy or receivership; or
  - (vi) It is advantageous to the City to acquire the goods and/ or services directly from another public body or public service body; or
  
  - (vii) Another organization is funding or substantially funding the procurement and has determined the supplier, and the terms and conditions of the commitment into which the City will enter are acceptable to the City; or
  - (viii) The procurement is for a particular brand of goods and/ or services that are intended solely for resale to the public and no other brand is desirable and the brand is not available from any other source; or
  - (ix) A need exists for compatibility with, or for the maintenance and support of a City standard and there are no reasonable alternatives, substitutes, or accommodations; or
  - (x) A need exists to avoid violating warranties and guarantees where support or service is required for a City standard; or
  - (xi) Instructors, coaches, trainers and other specialized services for recreation programs for which bids cannot readily be called

## ANNEXE “A” DELEGATION OF AUTHORITY FORM

|  |   |
|--|---|
| <p><b>FORMULAIRE DÉLÉGATION<br/>D'AUTORITÉ</b></p> <p><b>CORPORATION DE LA CITÉ<br/>DE CLARENCE-ROCKLAND</b></p> | <p><b>DELEGATION OF AUTHORITY FORM</b></p> <p><b>CORPORATION OF THE CITY<br/>OF CLARENCE-ROCKLAND</b></p> |
|--|---|

Je \_\_\_\_\_ délègue l'autorité à \_\_\_\_\_  
(Nom et titre) (Nom et titre)

d'approuver des dépenses en capital et d'opérations jusqu'à la limite maximale indiquée ci-dessous.

I \_\_\_\_\_ delegate the authority to \_\_\_\_\_  
(Name and title) (Name and title)

to approve capital and operations expenditures up to the maximum limits set forth below.

| Dépenses/Expenditures | Limite/Limit<br><i>(Must not Exceed Financial<br/>Authority Matrix)</i> |
|-----------------------|---|
| Capital               |   |
| Opérations/Operations |   |

Signature  
(Directeur du département/ Department Director)

Signature  
(Directeur général/Chief Administrative Officer)

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