

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF MAY 16, 2023

Item 14, Report No. 23, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on May 16, 2023.

14. CORPORATE PROCUREMENT POLICY UPDATE

The Committee of the Whole recommends approval of the recommendations contained in the following report of the Deputy City Manager, Legal and Administrative Services & City Solicitor, dated May 9, 2023:

Recommendations

1. THAT Council approves the proposed Corporate Procurement Policy as set out in Attachment #1 of this report and repeal the existing PS-003 Corporate Procurement Policy, to be effective July 1, 2023;
2. THAT Staff establish administrative policies and procedures as required to implement the recommendations of this Report.

Committee of the Whole (2) Report

DATE: Tuesday, May 9, 2023 **WARD(S):** ALL

TITLE: CORPORATE PROCUREMENT POLICY UPDATE

FROM:

Wendy Law, Deputy City Manager, Legal and Administrative Services & City Solicitor

ACTION: DECISION

Purpose

To present amendments to the existing PS-003 Corporate Procurement Policy.

Report Highlights

- The City has implemented a Corporate Procurement Policy that governs how procurements are conducted at the City. The regime has been effective in managing City's procurements.
- As required in the Procurement Policy, a review shall be conducted with updates brought back to each new term of Council.
- Staff have completed the review and the following updates are proposed to be made to the Policy:
 - Administrative updates
 - New addition of four (4) Policy Schedules
 - Updated Collaborative Procurements
 - Updated policy exemptions

Recommendations

1. THAT Council approves the proposed Corporate Procurement Policy as set out in Attachment #1 of this report and repeal the existing PS-003 Corporate Procurement Policy, to be effective July 1, 2023;
2. THAT Staff establish administrative policies and procedures as required to implement the recommendations of this Report.

Background

The *Municipal Act, 2001*, Subsection 270(1), requires that a municipality adopt a policy for its procurement of construction, goods, and services. On March 21, 2017, City of Vaughan Council approved the Corporate Procurement Policy as part of Procurement Modernization to improve the City's overall procurement strategy and efficiently meet the City's increasing and evolving procurement needs.

The Corporate Procurement Policy is to be reviewed and updated at the beginning of each new term of Council. As a result, Staff have undertaken a comprehensive review of same and present to Council certain proposed amendments and refinements, as contained in Attachment 1 to this Report.

Previous Reports/Authority

[PS-003 Corporate Procurement Policy](#)

Analysis and Options

Stakeholder engagements with internal City Departments were conducted and recommendations were implemented to minimize operational impacts and enhance procurement governance. Internal Audit was consulted and recommendations from Management Action Plans have been addressed within the amendments made to the Policy. Jurisdictional scans were conducted with eight (8) neighboring municipalities and regions to determine industry standards and best practices to be included in the City's Corporate Procurement Policy.

The following key areas were revised within the Policy:

1. General Administration

Sections of the Policy have been updated to reference applicable policies (see *Table 1 below*).

Table 1. Administrative Policy Revisions

| Administrative Policy Revisions | |
|------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Conflict of Interest | Updated content to communicate ethical code of conduct for suppliers and bidders. |
| Competitive Procurement Processes | New section setting out the framework for procurements and Award approval requirements. |
| Developer / Landowner Growth-Related Infrastructure | Removed as the section is redundant (Part of the Development Agreement Process). |
| Disposal of Surplus Stock | Deleted to be established as a new City policy for Council approval in the future. |
| Economic Development and Innovation | Removed as the section is redundant (Always require Council authority). |
| Ethical Conduct | Simplified content and included applicable City policies pertaining to ethical conduct. |
| Fair Wage | Removed section as Fair Wage Policy is in effect as of April 1, 2021, as a separate policy. |
| Low Dollar Purchases | New section added to address Audit Recommendation. New procedure will be established to streamline usage and monitor low dollar spend through a governance framework. |
| Planning for Procurement | Clarified procurement planning and high-level organizational requirements prior to initiating a procurement. |
| Prohibitions | Updated to add that special funding for a Procurement requires approval by Council (codified existing practice). |
| Purchasing Card (“P-Card”) | Updated by removing redundancies and replaced by referencing P-Card Policy. |
| Amendments, Extensions, and Terminations | Updated verbiage to make it more concise. New administrative procedures will be established after Council approves Policy. |
| Emergency Procurement | Number of days to report emergency procurements to Procurement Services increased to provide timely response (5 days to 10 days). |
| Supplier Disputes and Supplier Performance | New and updated language to require consultation with Legal Services on contentious matters and clarify internal escalation processes to deal with supplier disputes. |
| Unsolicited Proposals | Updated language to clarify process on dealing with unsolicited proposals. |
| Sustainable Procurement | Section removed, as a Sustainable Procurement Policy will be developed starting in 2023-Q3 for Council approval in 2024. |
| Reports to Council | Quarterly reporting is now revised to bi-annual reporting after consultation with members of council. |

2. Policy Schedules

Four (4) new schedules have been added to the Policy to improve overall readability of the policy:

a. Schedule A - Criteria for Sole Source and Single Source Procurement

- A separate schedule is created for clarity and ease of reference for Sole Source and Single Source approvals for staff and council.

b. Schedule B - Award Approval and Contract Execution Authority

- The current table is updated to include contract execution authority, refreshed to include managerial level approval for procurement staff, and to align the Sole Source approval authority with Single Source approvals.
- A new Amendment Award Authority table is added to clarify the approval process for amendments.

c. Schedule C - Legal Review Requirements

- New Schedule added, setting out the requirements for consulting Legal Services in association with certain types of Procurements to ensure risk mitigation, compliance with contract terms and appropriate contract management. This addition will also address a prior audit recommendation.

d. Schedule D - Authorities, Responsibilities and Duties of Staff

- A separate schedule created to outline the responsibilities and accountabilities of staff to ensure it aligns with Award Approvals and Contract Execution Authority, providing clarity and ease of reference.

3. Collaborative Procurements

An updated Collaborative Procurements Section will allow the City to attain savings through combining volumes of Goods & Services to provide best value for the City and further enhance relationships with other public sector entities.

4. Exemptions

The application of the policy and exemptions have been updated to meet operational requirements. Specific exemptions are referenced in the policy; and where there is a need for additional policies and bylaws, they will be presented to City Council for approval separately.

Financial Impact

None.

Operational Impact

With the new Policy updates, procedures and other policies will be updated, and new ones developed to strengthen procurement governance and streamline processes.

Training will be delivered at both the corporate level and a customized departmental level according to roles and responsibilities.

Conclusion

The PS-003 Corporate Procurement Policy has been reviewed for its effectiveness and through research and consultations, it has been determined that the proposed revisions will strengthen procurement governance within the City. It is recommended that the proposed policy be adopted effective July 1, 2023.

For more information, please contact:

Pooja Nagra, Director of Procurement Services ext. 8306

Attachment

1. Corporate Procurement Policy 2023

Prepared by

Pooja Nagra, Director of Procurement Services ext. 8306

Louise Vrebosch, Deputy City Solicitor, Litigation and Municipal Law ext. 8969Anita

Pathmanathan, Contract Administration, Policy & Program Manager ext. 8388

Approved by



Wendy Law, Deputy City Manager
Legal and Administrative Services &
City Solicitor

Reviewed by



Vince Musacchio
on behalf of Nick Spensieri,
City Manager



THE CORPORATION OF THE CITY OF VAUGHAN

CORPORATE POLICY

POLICY TITLE: CORPORATE PROCUREMENT POLICY

POLICY NO.: Policy number to be assigned by Policy Coordinator.

| | | | |
|---------------------------------------|-----------------------------------------------------------------------|-----------------------------|-------------------------------|
| Section: | Procurement | | |
| Effective Date: | | Date of Last Review: | Click or tap to enter a date. |
| Approval Authority: Council | Policy Owner: DCM, Administrative Services & City Solicitor | | |

TABLE OF CONTENTS

| | Page |
|----------------------------------------------------------------------------------|-------------|
| 1. POLICY STATEMENT, PURPOSE, SCOPE, LEGISLATIVE REQUIREMENTS, DEFINITIONS | 3 |
| 2. APPLICATION | 6 |
| 3. PROCUREMENT PRINCIPLES | 7 |
| 4. CONFLICTS OF INTEREST | 7 |
| 5. ETHICAL CONDUCT IN PROCUREMENT | 8 |
| 6. PROHIBITIONS | 9 |
| 7. AUTHORITIES, RESPONSIBILITIES AND DUTIES | 10 |
| 8. PLANNING FOR PROCUREMENT | 10 |
| 9. COMPETITIVE PROCUREMENT PROCESSES | 10 |
| 10. NON-COMPETITIVE PROCUREMENT PROCESSES | 11 |
| 11. LOW DOLLAR PURCHASE (LDPS) | 12 |
| 12. PURCHASING CARD ("P-CARD") | 12 |
| 13. MONETARY REFERENCES | 13 |
| 14. AUTHORITY TO APPROVE AWARDS | 13 |
| 15. AUTHORITY TO EXECUTE CONTRACTS | 14 |
| 16. AMENDMENTS, EXTENSIONS, TERMINATIONS | 15 |
| 17. CANCELLING, REISSUING OF BID REQUESTS | 15 |
| 18. BIDDING PRACTICES, EXCLUSIONS, COMPLAINTS AND ENQUIRIES | 15 |

POLICY TITLE: CORPORATE PROCUREMENT POLICY

POLICY NO.: Policy number assigned by Policy Coordinator.

19. POINT OF CONTACT 15

20. SUPPLIER DISPUTES AND SUPPLIER PERFORMANCE 16

21. DISQUALIFICATION OF BIDDERS 16

22. UNSOLICITED PROPOSALS 16

23. SPECIAL RELATIONSHIPS 16

24. COLLABORATIVE PROCUREMENT 17

25. DISPOSAL OF SURPLUS GOODS 17

26. REPORTS TO CITY COUNCIL 17

27. RECORDS 17

28. PROCEDURES 18

29. INTERPRETATION 18

30. GENERAL 18

SCHEDULE "A" CRITERIA FOR SOLE SOURCE AND SINGLE SOURCE PROCUREMENT .19

SCHEDULE "B" AWARD APPROVAL AND CONTRACT EXECUTION AUTHORITY.....21

SCHEDULE "C" LEGAL REVIEW REQUIREMENTS23

SCHEDULE "D" AUTHORITIES, RESPONSIBILITIES AND DUTIES OF STAFF24

POLICY TITLE: CORPORATE PROCUREMENT POLICY

POLICY NO.: Policy number assigned by Policy Coordinator.

POLICY STATEMENT

This Policy outlines rules for the City procuring Goods and/or Services.

PURPOSE

The purpose of this Policy is to provide a clear statement of how Goods and Services can be acquired while ensuring the integrity of the Procurement process is maintained.

SCOPE

This Policy applies to the Procurement of all Goods and/or Services required by the City subject to exemptions in Section 2 (Application).

LEGISLATIVE REQUIREMENTS

The *Municipal Act 2001*, S.O. 2001, c. 25, Part VI, Section 270(1) stipulates that a municipality shall adopt and maintain policies with respect to its procurement of goods and services.

DEFINITIONS

1. DEFINITIONS

- a) “**Applicable Law**” means any applicable federal, provincial, or municipal law, statutes, bylaws, regulations, rules, lawful orders, or lawful directives applicable in Ontario.
- b) “**Award**” means the selection of the Bidder and the Bidder’s Goods and/or Services, as accepted by the City.
- c) “**Awarded Contract Cost**” means the Contract cost at the time of the Contract Award and includes the total Contract cost for the initial term and any renewal term or any defined options to extend set out in the Contract, excluding the Harmonized Sales Tax (HST), but including all other applicable, fees, charges, and disbursements.
- d) “**Best Value**” means the optimal balance of evaluated factors and cost to achieve the City’s objectives for the Procurement.
- e) “**Bid**” means a proposal, offer or submission from a Bidder in response to a Bid Request.
- f) “**Bidder**” means any legal entity that submits a Bid.
- g) “**Bid Request**” means a solicitation from the City to potential Bidders to submit a Bid.

POLICY TITLE: CORPORATE PROCUREMENT POLICY

POLICY NO.: Policy number assigned by Policy Coordinator.

- h) **“Amendment”** means a written order issued after execution of a Contract, which authorizes a change in the scope of work, time and/or cost, including a change order.
- i) **“City”** means The Corporation of the City of Vaughan.
- j) **“City Manager”** the person appointed by Council as City Manager or designate.
- k) **“Contract”** means an agreement between the City and a Supplier for the supply of Goods and/or Services.
- l) **“Collaborative Procurement”** means a Procurement process conducted jointly by the City and one or more Collaborative Procurement Organization(s).
- m) **“Collaborative Procurement Organization”** means the municipalities, academic, schools, hospitals sector and any local board, commission, government entity, group purchasing organization, and purchasing cooperatives.
- n) **“Cumulative Total Cost”** means the Awarded Contract Cost plus all costs approved via Amendments(s) of the Contract.
- o) **“Department”** means an organizational unit of the City headed by a Director.
- p) **“Department Contract Manager”** means a City employee to whom a Department Director has assigned Procurement process responsibility and/or Contract management responsibility.
- q) **“Director”** means the City staff responsible for the operation of a City Department and includes any person who has been authorized, in writing, to temporarily act during absence or vacancy in that office.
- r) **“Director of Procurement Services”** means the Director of the Department of Procurement Services of the City.
- s) **“Emergency”** means a situation where it has been determined by the City Manager that a threat to public health, or life, or property or the environment exists such that the immediate Procurement of Goods and/or Services is essential to prevent serious delays, or damage to persons or property, or to restore or maintain essential City services.
- t) **“Goods”** means tangible and intangible goods of all kinds, including but not limited to supplies, materials, equipment, structures, and fixtures to be delivered, installed, and/or constructed, and licenses and subscriptions.
- u) **“Legal Services”** means the City’s Legal Services Department.
- v) **“Low Dollar Purchase” (LDP)** means a low value Procurement of Goods and/or Services up to a maximum of \$5000.

POLICY TITLE: CORPORATE PROCUREMENT POLICY

POLICY NO.: Policy number assigned by Policy Coordinator.

- w) **“Manager”** means the City staff with the title of Manager within a Department and includes any person who has been authorized, in writing, to temporarily act during absence or vacancy in that office.
- x) **“Policy”** or **“Procurement Policy”** means the City’s Corporate Procurement Policy, as amended, which pertains to the Procurement of Goods and/or Services.
- y) **“Point of Contact”** means the Procurement staff responsible for managing communications to and from Bidders and the City during a Procurement process.
- z) **“Procurement”** means the acquisition of Goods and/or Services by purchase, lease, rental, or exchange transaction.
- aa) **“Procurement Services”** means the Department organizational unit responsible for the Procurement of Goods and/or Services for the City.
- bb) **“Request for Expressions of Interest” (RFEOI)** means a request used to determine market interest to provide Goods and/or Services that the City is contemplating purchasing and may result in the determination of a short list of Bidders to respond to a Bid Request.
- cc) **“Request for Information” (RFI)** means a request used as a general market research tool to determine the availability of Goods and/or Services that will meet business or operational requirements and Procurement strategies and/or to estimate costs for the purpose of developing a Bid Request.
- dd) **“Request for Pre-Qualification” (RFPQ)** means a request for the submission of information from potential Bidders, including the qualifications, experience, financial capability, background and staffing of any entity who may qualify to supply deliverables to the City.
- ee) **“Request for Proposals” (RFP)** means a request used to obtain a Bid or Bids for Goods and/or Services in cases where the City states the performance requirements and/or business objectives but Bidders recommend the optimal approach for consideration and evaluation by the City.
- ff) **“Request for Quotations” (RFQ)** means a request used to obtain a Bid or Bids in cases where the City has determined the quantity and quality for the Goods and/or Services and where the Procurements is for Goods and/or Services up to and including a maximum of \$100,000.
- gg) **“Request for Tenders” (RFT)** means a request used to obtain a Bid or Bids in cases where the City has specified the quantity and quality of the Goods and/or Services and where the Procurement is for Goods and/or Services exceeding \$100,000.
- hh) **“Services”** means services of all kinds, including labor, construction, maintenance, and professional and consulting services.

POLICY TITLE: CORPORATE PROCUREMENT POLICY

POLICY NO.: Policy number assigned by Policy Coordinator.

- ii) **“Single Source”** means Procurement permitted under the specific circumstances set out in Schedule “A”.
- jj) **“Sole Source”** means Procurement permitted under the specific circumstances set out in Schedule “A”.
- kk) **“Supplier”** means a legal entity with whom the City has entered into a Contract.
- ll) **“Vendor of Record” (VOR)** means a Procurement established through an RFP that authorizes one or more qualified Suppliers to provide Goods and/or Services for a defined period with terms and conditions, including pricing, as set out in the VOR Contract.

POLICY

2. APPLICATION

This Procurement Policy shall apply to the Procurement of all Goods and/or Services undertaken by the City, with the exception of the following:

- (a) Real Estate;
- (b) Utilities, telecommunications, banking and postal charges, charges to and from other government agencies, including transit tickets;
- (c) Any work that must be completed by Federal/Provincial-regulated organization;
- (d) Professional development training, periodicals, journals, subscription expenses, including membership and committee fees;
- (e) Council and employee expenses in accordance with the Council and Employee Expense policies;
- (f) Special services:
 - (i) Legal services and other professional services required for the provision of legal services, including experts, mediators and arbitrators, court reporters and interpreters, as required by the City Solicitor or designate;
 - (ii) Realty appraisal services;
 - (iii) Recreational programming, fundraising, and special events, including but not limited to, facilitators, instructors, speakers, artists, or performers, including any associated technical requirement such as lighting, audio and stage set up for events or programs governed by applicable City by-laws and policies; and

POLICY TITLE: CORPORATE PROCUREMENT POLICY

POLICY NO.: Policy number assigned by Policy Coordinator.

(iv) Honoraria.

(g) Acquisition, maintenance, and disposal of public art.

Notwithstanding the exceptions above, Legal Services shall be consulted for any Contracts or binding commitments made by the City in association with any of the above exemptions.

3. PROCUREMENT PRINCIPLES

The City's Procurement principles are:

- (a) Procurement processes shall be efficient, effective, objective, and accountable;
- (b) Transparency and fairness shall be ensured, and competitive value maximized, through full and open Procurement processes;
- (c) The Procurement of Goods and/or Services shall be conducted in an unbiased way not influenced by personal preferences, prejudices or interpretations;
- (d) Efforts shall be made to achieve the Best Value for the City;
- (e) The City's sustainable and social procurement policies and procedures shall be considered for Procurement of all Goods and/or Services, where possible; and
- (f) The Procurement of Goods and/or Services shall be conducted in compliance with Applicable Law and in a manner which will promote, and incorporate whenever possible, requirements of the *Accessibility for Ontarians with Disabilities Act* (Ontario).

4. CONFLICTS OF INTEREST

- (a) Employees of the City shall comply with City policies on conflict of interest.
- (b) At no time during the Procurement process, beginning with the planning stage through to the Award and the Contract stage, shall any City employee accept, directly or indirectly, from any Bidder or Supplier, anything of any value, tangible or intangible, including but not limited to rebates, gifts, meals, money, or special privileges. No preference will be given to Bidders who provide unsolicited goods or samples to the City or who demonstrate the operation of such goods or samples.
- (c) City employees and their immediate family shall not have a financial interest, either directly or indirectly, in any Contract or with any person acting for the City in any Contract, unless such interest has been declared pursuant to the Code of Conduct for Employees. Such declaration shall be in writing, to their manager,

POLICY TITLE: CORPORATE PROCUREMENT POLICY

POLICY NO.: Policy number assigned by Policy Coordinator.

with a copy to the Director of Procurement Services, indicating the specific nature of the conflict of interest.

- (d) City employees must declare in writing to their manager, with a copy to the Director of Procurement Services, any real or perceived conflicts of interest arising from interacting, managing, supervising, or overseeing the work of any family member, former employee of the City or anyone with whom they have a close personal relationship or personal interest, who is working for a Supplier in any capacity.
- (e) All City employees participating in the development of specifications and/or the evaluation process for a Procurement process will be required to declare any real or perceived conflict of interest in accordance with the applicable Procurement procedures.
- (f) Department Contract Managers must be impartial in their treatment of all Suppliers and in managing Contracts, including approval of any payments.

5. ETHICAL CONDUCT IN PROCUREMENT

- (a) Procurement Services staff shall comply with the ethical codes of purchasing set out in the Supply Chain Management Association of Ontario (SCMAO) and the National Institute of Governmental Purchasing (NIGP).
- (b) All Members of Council shall abide by the principles and rules laid out in the Code of Ethical Conduct for Members of Council Policy.
- (c) City employees must follow standards of ethical and professional behavior as set out in the Employee Code of Conduct Policy.
- (d) Bidders shall certify that they prepared and submitted their Bids independently without any connection, knowledge, comparison of figures or arrangements with any other company, firm or person making a Bid for the same Bid Request and that the Bid is in all respects fair and without collusion, bid-rigging, price-fixing, bribery, fraud or other similar behaviors or practices prohibited under the *Criminal Code* (Canada), the *Competition Act* (Canada) or other Applicable Law.
- (e) Bidders shall not misrepresent their qualifications and experience, or those of their sub-contractors, where applicable, in relation to any Bid Request.
- (f) Bidders shall not misrepresent the quality, performance, or technical attributes of their Goods and/or Services, or those of their sub-contractors, where applicable, in relation to any Bid Request.
- (g) Bidders shall declare and disclose with their Bid any actual or potential conflicts of interest or unfair advantage related to the preparation of their Bid or where the Bidder foresees an actual or perceived conflict of interest in the performance of the Contract in the event of an Award.

POLICY TITLE: CORPORATE PROCUREMENT POLICY

POLICY NO.: Policy number assigned by Policy Coordinator.

- (h) Bidders shall maintain the confidentiality of any confidential City information disclosed during a Procurement process.
- (i) Bidders and Suppliers shall disclose to the Director of Procurement Services any affiliations or other relationships with other suppliers that might be seen to compromise the principle of fair competition, including any proposed or existing sub-contractual relationships.
- (j) No Bidder or Supplier shall offer anything of value, tangible or intangible including but not limited to rebates, gifts, meals, money, or special privileges of any kind to City employees or Council, or otherwise attempt to influence or interfere with a Procurement process or a Contract.
- (k) Bidders and Suppliers awarded a Contract shall comply with City policies for ethical conduct, including the supplier code of conduct, the Respectful Workplace Policy, and any implementing guides and procedures.
- (l) Suppliers awarded a Contract must declare and fully disclose in writing to the Director of Procurement Services any actual or perceived conflicts of interest or unfair advantage related to the performance of the Contract or where the Supplier foresees an actual or potential conflict of interest in the performance of the Contract.
- (m) Any Bidder or Supplier found to be in breach of this Section 5 (Ethical Conduct in Procurement) is subject to disqualification from bidding and/or termination of any Contracts they may have with the City, in accordance with Section 21 Disqualification of Bidders).

6. PROHIBITIONS

- (a) No expenditure, purchase or commitment to purchase 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 Policy or otherwise approved by Council.
- (b) No Contract for Goods and/or Services shall be entered into unless funding for the Procurement has been authorized by Council.
- (c) No Procurement shall be arranged or made to avoid the application of this Procurement Policy. Without limitation, no Procurement of Goods and/or Services shall be divided into two or more parts for the purpose of avoiding the application of this Policy.
- (d) Personal purchases shall not be made by the City for any City employee or Council member.

POLICY TITLE: CORPORATE PROCUREMENT POLICY

POLICY NO.: Policy number assigned by Policy Coordinator.

7. AUTHORITIES, RESPONSIBILITIES AND DUTIES

The authorities, responsibilities and duties of staff involved in Procurement processes are set out in Schedule “D” to this Policy.

8. PLANNING FOR PROCUREMENT

- (a) All Procurements will be executed in accordance with this Policy, and any related or relevant policies and procedures.
- (b) Departments shall consult with Procurement Services annually to establish and finalize their annual procurement plan which shall reflect both capital and operating expenditures.
- (c) Prior to initiating any Procurement process for Goods and/or Services the Department Contract Manager shall:
 - (i) Ensure that the Goods and/or Services are legitimately required for City purposes;
 - (ii) Consider the City’s purposes for Procurement and determine the costs, quantities and supply duration, short-term and long-term requirements, any ongoing maintenance, support and licensing requirements and overall project requirements to meet City’s needs;
 - (iii) Confirm availability of funding;
 - (iv) Allow sufficient time to complete the Procurement processes as required by Procurement Services; and
 - (v) Prepare detailed unbiased specifications, statements of work and quantity requirements to encourage full, open, and fair competition.
- (d) Prior to issuing a competitive Procurement method, the following may be issued for the purposes of gathering information, as determined by Procurement Services: (1) Request for Information (RFI); or (2) Request for Expression of Interest (RFEOI).
- (e) During the Procurement planning phase, legal advice from Legal Services shall be sought for Procurements described in Schedule “C”.

9. COMPETITIVE PROCUREMENT PROCESSES

- (a) The requesting Department shall engage Procurement Services in accordance with the applicable Procurement procedure.

POLICY TITLE: CORPORATE PROCUREMENT POLICY

POLICY NO.: Policy number assigned by Policy Coordinator.

- (b) Procurement Services will determine the appropriate competitive Procurement method while considering the specifications, quantities, approved budget value, and project requirements as provided by the requesting Department.
- (c) If a publicly advertised Procurement process must be initiated to procure Goods and/or Services, Procurement Services will determine the appropriate competitive Procurement method, including but not limited to:
 - (i) Request for Quotation (RFQ)
 - (ii) Request for Tender (RFT)
 - (iii) Request for Proposal (RFP)
 - (iv) Request for Pre-Qualification (RFPQ)
 - (v) Vendor of Record (VOR) or VOR quick quote; or
 - (vi) A multi-step process which may involve a combination of the above.
- (d) The Department Contract Manager shall determine the requirements and prepare detailed specifications or statements of work and quantity requirements for the Bid Request.
- (e) The Procurement Services Manager shall review the specifications or statements of work and quantity requirements, develop an appropriate Bid Request and evaluation method for the Procurement method.
- (f) Bids will be posted publicly on the City's electronic bidding system.
- (g) Following Bid review and/or evaluation and determination of the recommended Bidder(s), approval to Award the Contract(s) is required in accordance with Schedule "B" (Award Approval and Contract Execution Authority).

10. NON-COMPETITIVE PROCUREMENT PROCESSES

10.1 Sole Source and Single Source Procurement

- (a) The requesting Department shall engage Procurement Services in accordance with the applicable Procurement procedure.
- (b) A Sole Source or Single Source Procurement may be conducted only if it meets the specific criteria set out in Schedule "A" (Criteria for Sole Source and Single Source Procurement).
- (c) The Department Contract Manager must prepare a justification and shall obtain approval from a Procurement Services Manager that the proposed Procurement meets the Schedule "A" Criteria for Sole Source or Single Source Procurement.

POLICY TITLE: CORPORATE PROCUREMENT POLICY

POLICY NO.: Policy number assigned by Policy Coordinator.

- (d) The Director of Procurement Services shall have the final right of determination as to whether the relevant Schedule “A” criteria are met.
- (e) Before the Award of a Contract using the above rationale, the requesting Department shall perform due diligence by exploring price negotiation possibilities with the Supplier.
- (f) Approval to Award a Contract is required in accordance with Schedule “B” (Award Approval and Contract Execution Authority).

10.2 Emergency Procurement

- (a) In an Emergency, the Procurement of Goods and/or Services may be authorized without a competitive process. The requesting Department shall contact Procurement Services, if possible, for direction on an appropriate Procurement process and possible sources of supply. A list of pre-qualified suppliers or Vendors of Record will be used to select Suppliers, whenever possible.
- (b) Within ten (10) days of the Emergency Procurement, the requesting Department shall follow the applicable Emergency Procurement procedure to initiate the Award and Contract execution requirements. The justification for an Emergency Procurement shall be documented and sent to the Director of Procurement Services no later than ten (10) business days after Contract execution, regardless of Procurement amount.
- (c) Approval of an Emergency Procurement shall be in accordance with Schedule “B” (Award Approval and Contract Execution Authority). Contract execution, also in accordance with Schedule “B”, may occur after the Procurement has taken place.
- (d) The Emergency Procurement shall be reported by the responsible Director to Council at the next Council meeting following the Emergency Procurement.

11. LOW DOLLAR PURCHASE (LDPs)

LDPs can be used by Departments to directly procure Goods and/or Services up to and including a maximum of five thousand dollars (\$5,000) without the need for a formal Procurement process. LDPs shall be conducted in accordance with the applicable Procurement procedures to minimize potential repetitive Procurements and LDP splitting.

12. PURCHASING CARD (“P-CARD”)

- (a) A P-Card is a payment mechanism used to purchase Goods and/or Services in accordance with the rules and guidelines detailed in the Purchasing Card Policy.
- (b) Any employee with the appropriate delegated authority approval and authorized to use a P-Card may purchase Goods and/or Services. All City employees

POLICY TITLE: CORPORATE PROCUREMENT POLICY

POLICY NO.: Policy number assigned by Policy Coordinator.

authorized to use a Corporate Purchasing Card must abide by the rules and responsibilities detailed in the Purchasing Card Policy.

13. MONETARY REFERENCES

- (a) All references to a dollar amount in this Policy are to be in Canadian dollars and do not include applicable taxes.
- (b) The dollar values identified in Schedule “B” (Award Approval and Contract Execution Authority) represent the Awarded Contract Cost.
- (c) Awarded Contract Cost excludes contingencies not explicitly defined in the Contract.

14. AUTHORITY TO APPROVE AWARDS

- (a) Award approval shall be executed on a Contract Award Recommendation Form and in accordance with Schedule “B” (Award Approval and Contract Execution Authority).
- (b) Departmental approval of an Award shall provide confirmation that:
 - (i) Funds are available for the Procurement;
 - (ii) The specifications or scope of work meet the Department’s objectives for the Procurement;
 - (iii) The recommended Award is compliant with the specifications or scope of work as set out in the Bid Request;
 - (iv) The operational terms and conditions are satisfactory.
- (c) Procurement Services approval of the Award shall provide confirmation that:
 - (i) Departmental and/or Council approval of the Award, as applicable under Schedule “B” (Award Approval and Contract Execution Authority), has been obtained;
 - (ii) There are no unresolved Bid protests;
 - (iii) The Procurement process was conducted in accordance with this Policy;
 - (iv) The recommended Award is for the Best Value Bid, or the highest scoring compliant Bid from among the Bids received;

POLICY TITLE: CORPORATE PROCUREMENT POLICY

POLICY NO.: Policy number assigned by Policy Coordinator.

- (v) The recommended Award is consistent with the Award methodology stated in the Bid Request;
 - (vi) Awarded Contract Cost is identified; and
 - (vii) For Single/Sole Source Awards, verification that the Award is in accordance with the criteria set out in Schedule “A”.
- (d) Council approval of the Award is required in the event of one or more of the conditions listed below:
- (i) Approved funding is insufficient for the Award;
 - (ii) Procurement is prescribed by Applicable Law to be made by Council;
 - (iii) The Award is for Single/Sole Source Contract and the Cumulative Total Cost exceeds \$100,000;
 - (iv) The term of the Contract exceeds ten (10) years; or
 - (v) Recommended by the Director of Procurement Services.
- (e) Where Council approval of an Award is required, the City Manager or Deputy City Manager responsible for the requesting Department shall report to Council. The Director of Procurement Services shall be consulted in the corporate report seeking Council authority for the procurement to ensure the inclusion of appropriate Procurement content.
- (f) Upon approval to Award as required in Section 15 (Authority to Execute Contracts), Contract execution may take place in accordance with Section 16 (Amendments, Extensions, Terminations).

15. AUTHORITY TO EXECUTE CONTRACTS

- (a) Except in the case of an Emergency, no Goods and/or Services shall be ordered or delivered until after a Contract is executed in accordance with this Policy.
- (b) Contracts shall be executed in accordance with Schedule “B” and the following:
 - (i) The Award has been approved in accordance with Schedule “B”;
 - (ii) Satisfactory terms and conditions have been agreed to by the City and the Supplier;
 - (iii) The form and content of the Contract, if required in accordance with Schedule “C”, is approved by Legal Services;

POLICY TITLE: CORPORATE PROCUREMENT POLICY

POLICY NO.: Policy number assigned by Policy Coordinator.

- (iv) The Contract clearly specifies the Awarded Contract Cost for a defined term; and
- (v) The Cumulative Total Cost of any Contract does not, in any event, exceed the amounts approved in accordance with this Policy and any applicable procedures.

16. AMENDMENTS, EXTENSIONS, TERMINATIONS

Contracts may be Amended, extended on an interim basis, renewed, or terminated in accordance with Contract terms and applicable City procedures.

17. CANCELLING, REISSUING OF BID REQUESTS

Bid Requests may be cancelled altogether or cancelled and re-issued, in whole or in part, in accordance with the terms of the Bid Request and the applicable City procedures.

18. BIDDING PRACTICES, EXCLUSIONS, COMPLAINTS AND ENQUIRIES

- (a) The City shall have the right, at any time after the closing date of the Bid Request, to seek clarification from any Bidder in respect of a Bid.
- (b) In case of tied Bids, the Award shall be determined by Bid submission received first as time stamped in the City's electronic submission system.
- (c) Procurement Services will permit Bidders to request a debriefing up to fifteen (15) days following the Bid result notification.
- (d) The City reserves the right, not to accept a Bid from any Bidder or not to Award a Contract to any Bidder in accordance with the applicable City procedures.
- (e) All Bidder enquiries, complaints, or protests, whether addressed to Council, or any other City staff, shall be referred to the Director of Procurement Services in writing for disposition in accordance with the applicable Procurement procedures.

19. POINT OF CONTACT

- (a) The Procurement staff specified in the Bid Request shall be the Point of Contact and shall respond to all communications, including issuing addenda as required, from the date a Bid Request is issued until an Award is announced. Any related inquiries directed to City staff shall be forwarded to the Point of Contact or Procurement Services for disposition.

- (b) Any Bidder found to be in breach of this section is subject to disqualification from participating in the current Bid Request.

20. SUPPLIER DISPUTES AND SUPPLIER PERFORMANCE

- (a) The Department Contract Manager shall be responsible for responding to Supplier issues and resolving Supplier disputes as a first line of response.
- (b) The Procurement Services Manager shall, in consultation with Legal Services and appropriate Departmental staff, resolve Supplier disputes not otherwise resolved by the Department Contract Manager.
- (c) The Department Contract Manager and Procurement Services shall maintain records of any poor Supplier performance on all Contracts, which records may be used by the City to ensure Contract compliance, to supplement a prequalification review, to justify rejecting a Bid or to disqualify a Bidder.

21. DISQUALIFICATION OF BIDDERS

- (a) The Director of Procurement Services may disqualify a Bidder from eligibility to submit Bids where there is documented evidence: (i) of poor performance under a Contract; (ii) that the Bidder violated a provision of this Policy or any applicable City policy or a Bid Request; (iii) that the Bidder submitted an improper Bid; or (iv) the Bidder has brought a frivolous and vexatious lawsuit against the City as determined by the Director of Procurement Services. The disqualification period will be for up to five (5) years from written notification to the Bidder.
- (b) The Director of Procurement Services may disqualify a Bidder from the Bid Request process for which the Bidder is found to be in violation of Section 19 (Point of Contact).
- (c) Disqualified Bidders will be notified of their ineligibility and shall have the right to protest in accordance with the applicable City procedures.

22. UNSOLICITED PROPOSALS

Any unsolicited proposals submitted to the City shall be directed to the Director of Procurement Services. If it is determined that there is a legitimate need for the Goods and/or Services offered by way of an unsolicited proposal to the City, then a Procurement process shall be conducted in accordance with this Policy and the applicable procedures.

23. SPECIAL RELATIONSHIPS

In cases where the Procurement of Goods and/or Services is involved, the City may enter into agreements with the private sector for special purposes, including but not limited to joint ventures, co-marketing, public benefit planning, public private

POLICY TITLE: CORPORATE PROCUREMENT POLICY

POLICY NO.: Policy number assigned by Policy Coordinator.

partnerships, shared-use, sponsorships, corporate or individual donations and advertising. In such cases, Procurement Services may conduct a Procurement process in accordance with this Policy. All requirements of this Policy must be met, except that the Award shall require approval by Council.

24. COLLABORATIVE PROCUREMENT

In lieu of a City-run competitive process, the City may participate with a Collaborative Procurement Organization in Collaborative Procurement initiatives where it is in the best interests of the City to do so, with the approval of Procurement Services, and where:

- (a) Combining the volume of Goods and/or Services to be purchased by the City and the Collaborative Procurement Organization would result in the Best Value for the City;
- (b) Where the Collaborative Procurement Organization is initiating the Procurement, the Procurement process will be conducted in accordance with the procurement policies or by-laws of the Collaborative Procurement Organization;
- (c) Where the City is initiating the Procurement, the Procurement process will be conducted in accordance with this Policy; and
- (d) Legal Services shall be consulted to determine the appropriate agreements required to conduct such initiatives with the other Collaborative Procurement Organizations.

The Collaborative Procurement Organization initiating the Procurement may determine the Award. If the Award is not in the best interest of the City or is in violation of this Policy, the Director of Procurement Services may decline acceptance of the Award.

25. DISPOSAL OF SURPLUS GOODS

Surplus Goods are to be disposed of in accordance with the applicable City policies and procedures.

26. REPORTS TO CITY COUNCIL

The Director of Procurement Services shall submit to Council a summary information report on all Procurement Awards and all Contracts on a bi-annual basis.

27. RECORDS

Procurement Services shall be responsible for the care, custody, and control of records for all Procurement processes and Contracts entered pursuant to this Policy.

POLICY TITLE: CORPORATE PROCUREMENT POLICY

POLICY NO.: Policy number assigned by Policy Coordinator.

28. PROCEDURES

Any policies or procedures developed for the purpose of implementing this Policy shall not require the approval of Council. The Policy Committee shall have the authority to approve policy and procedures to implement this Policy.

29. INTERPRETATION

- (a) References in this Policy to any statute, regulation, City policy, by-law, procedure, guide, or code of conduct, includes, in each case, any amendments made from time to time.
- (b) The necessary grammatical changes shall be made, as the context requires, for the provisions of this Policy to apply to corporations, partnerships, trusts and individuals, male or female, and to include singular or plural meaning.

30. GENERAL

- (a) The corporate procurement policy approved prior to the enactment of this Policy is repealed.
- (b) The Director of Procurement Services shall be the point of contact for any questions on this Policy.

POLICY TITLE: CORPORATE PROCUREMENT POLICY

POLICY NO.: Policy number assigned by Policy Coordinator.

SCHEDULE "A"
CRITERIA FOR SOLE SOURCE AND SINGLE SOURCE PROCUREMENT

1. SOLE SOURCE

- (a) Sole Source Procurements may be conducted when only one Supplier is available to the City and is capable of providing the Goods and/or Services for one or more of the conditions listed below apply:
 - (i) statutory or market-based monopoly;
 - (ii) competition is precluded due to the application of Applicable Law or because of the existence of patent rights, copyrights, license, technical secrets, or controls of raw material;
 - (iii) the complete item, service, or system is unique to one Supplier and no alternative or substitute exists, i.e., Goods, Services, or warranty are proprietary;
 - (iv) where only one Supplier is offering the Goods and/or Services as an authorized reseller due to franchise restrictions; or
 - (v) the acquisition 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.
- (b) The Director of Procurement Services has the right of final determination, and in each case, a Sole Source Procurement must be undertaken to obtain the Best Value for the City.

2. SINGLE SOURCE

- (a) A Single Source Procurement may be used if the Goods and/or Services are available from more than one source, but there are valid and sufficient reasons for selecting one Supplier in particular, as determined by the Director of Procurement Services that at least one of the following conditions is met:
 - (i) an attempt to acquire the required Goods and/or Services soliciting competitive Bids has been made in good faith, but has failed to identify more than one willing and responsive Bidder;
 - (ii) the confidential or security-related nature of the requirement is such that it would not be in the public interest to solicit competitive Bids;
 - (iii) there is a need for standardization or compatibility with Goods and/or Services previously acquired or the required Goods and/or Services will

POLICY TITLE: CORPORATE PROCUREMENT POLICY

POLICY NO.: Policy number assigned by Policy Coordinator.

- be additional to similar Goods and/or Services being supplied under an existing Contract;
 - (iv) where necessary to maintain an existing warranty from a previous Supplier;
 - (v) the ability of the Supplier to deliver Goods and/or Services within the requested timeframe;
 - (vi) the required Goods and/or Services are to be supplied by a particular Supplier having special knowledge, skills, expertise, or experience;
 - (vii) the Goods and/or Services are purchased under circumstances which are exceptionally advantageous to the City, such as in the case of a bankruptcy or receivership;
 - (viii) it is advantageous to the City to acquire the Goods and/or Services from a Supplier pursuant to the Procurement process conducted by another Collaborative Procurement Organization;
 - (ix) another organization is funding or substantially funding the purchase of the Goods and/or Services and has determined the Supplier, and the terms and conditions of the commitment into which the City will enter are acceptable to the City;
 - (x) where due to abnormal market conditions, the Goods and/or Services required are in short supply;
 - (xi) Goods and/or Services were purchased before a required formal Procurement process was initiated and completed through Procurement Services.
- (b) The Director of Procurement Services has the right of final determination, and in each case, a Single Source Procurement must be undertaken to obtain the Best Value for the City, including but not limited to exploring price negotiation possibilities with the Supplier.

POLICY TITLE: CORPORATE PROCUREMENT POLICY

POLICY NO.: Policy number assigned by Policy Coordinator.

**SCHEDULE "B"
AWARD APPROVAL AND CONTRACT EXECUTION AUTHORITY**

| Procurement Method | Awarded Contract Cost | Departmental Approval ¹ | Award Process Approval | Contract Execution |
|-----------------------------------------|-----------------------|-------------------------------------------|-------------------------------------------|--------------------------------|
| Low Dollar Purchase (LDP) | Up to \$5,000 | Department staff with Delegated Authority | Department staff with Delegated Authority | Department |
| Emergency ² | \$5,001 - \$10,000 | Manager | Manager, Procurement Services | Manager, Procurement Services |
| | \$10,001 - \$25,000 | Director | Director, Procurement Services | Director, Procurement Services |
| | \$25,001 - \$100,000 | Deputy City Manager or Chief of Office | Director, Procurement Services | Director, Procurement Services |
| | \$100,001 and above | City Manager | Director, Procurement Services | Director, Procurement Services |
| Competitive /Collaborative Procurements | Up to \$25,000 | Manager | Manager, Procurement Services | Manager, Procurement Services |
| | \$25,001 - \$100,000 | Director | Manager, Procurement Services | Manager, Procurement Services |
| | \$100,001 - \$500,000 | Deputy City Manager or Chief of Office | Director, Procurement Services | Director, Procurement Services |
| | \$500,001 and above | City Manager | Director, Procurement Services | Director, Procurement Services |
| Single / Sole Source | Up to \$25,000 | Director | Director, Procurement Services | Director, Procurement Services |
| | \$25,001 - \$50,000 | Deputy City Manager or Chief of Office | Director, Procurement Services | Director, Procurement Services |
| | \$50,001 - \$100,000 | City Manager | Director, Procurement Services | Director, Procurement Services |
| | \$100,001 and above | City Council | Director, Procurement Services | Director, Procurement Services |

¹ Departments must ensure Departmental approvals align with their respective budget authority.

² The Emergency Procurement shall be reported by the responsible Director to Council at the next Council meeting following the Emergency Procurement.

POLICY TITLE: CORPORATE PROCUREMENT POLICY

POLICY NO.: Policy number assigned by Policy Coordinator.

| Amendment Award Authority | | | |
|------------------------------------------------------|---------------------|---------------------|---------------------|
| Cumulative Percentage of Amendments ³ (%) | | | |
| Cumulative Total Cost ⁴ (\$) | 0-10% | 10% - 15% | 15% + |
| \$0 - \$25,000 | Department Manager | Department Manager | Department Manager |
| \$25,001 - \$100,000 | Department Director | Department Director | Department Director |
| \$100,001 - \$500,000 | Department Director | Deputy City Manager | Deputy City Manager |
| \$500,001+ | Department Director | Deputy City Manager | City Manager |

³ Cumulative Percentage of Amendments (%) is the sum of all previous Amendments and the new Amendment divided by the Awarded Contract Cost.

⁴ "Cumulative Total Cost" means the Awarded Contract Cost plus all costs approved via Amendment.

POLICY TITLE: CORPORATE PROCUREMENT POLICY

POLICY NO.: Policy number assigned by Policy Coordinator.

**SCHEDULE "C"
LEGAL REVIEW REQUIREMENTS**

Legal Services shall be consulted as part of the Procurement process and prior to execution of any related Contract or amendment for the following types of Procurements:

- (a) Collaborative Procurements;
- (b) Procurements with a term of five (5) or more years including Contract extensions exceeding an initial term of five (5) years;
- (c) the establishment of Vendor of Records (VORs);
- (d) Procurements valued above \$25,000 for technology as in accordance with Schedule "B" (Award Approval and Contract Execution Authority);
- (e) Contracts not utilizing the City's Contract templates or where changes to the template are required;
- (f) Bid disputes (where applicable);
- (g) Negotiated Request for Proposal(s) (RFP);
- (h) Special relationships arrangements under Section 23 (Special Relationships) of the Policy;
- (i) Any other Procurements at the discretion of the Director of Procurement Services or designate, or the Department Director or designate, in consultation with Legal Services;
- (j) Procurements where personal information will be collected, accessed, or maintained by the City, or by a Supplier on behalf of the City.

**SCHEDULE “D”
AUTHORITIES, RESPONSIBILITIES AND DUTIES OF STAFF**

The following chart describes the authorities and general responsibilities and duties of City staff having a role in Procurement as set out in this Policy. Additional and/or more detailed responsibilities may also be included in related City policies and procedures.

1. CITY MANAGER AND DEPUTY CITY MANAGERS

The City Manager and each Deputy City Manager shall be responsible for:

- (a) Authorizing Contract Awards in accordance with Section 15 (Authority to Execute Contracts) and Schedule “B”.
- (b) Authorizing Contract Amendments in accordance with Schedule “B” and applicable City procedures.
- (c) Authorizing Contract terminations in accordance with applicable City procedures; and
- (d) Preparing and presenting reports to Council as set out in Section 14 (Authority to Approve Awards) and Section 15 (Authority to Execute Contracts).

2. DIRECTOR OF PROCUREMENT SERVICES

The Director of Procurement Services is responsible for:

- (a) Overseeing and coordinating the Procurement process;
- (b) Monitoring Departmental compliance with this Policy;
- (c) Developing, implementing, and maintaining all Procurement procedures, policies and practices;
- (d) Ensuring that responsible Department staff, Bidders and Suppliers are aware of the ethical standards related to purchasing and that adherence to those standards are maintained;
- (e) Providing Procurement advice and guidance, including strategic advice on Supplier performance and Contract management to Departments;
- (f) The authorization of Procurements and the execution of Awards, Contracts, or Amendments on behalf of the City, in accordance with Section 14 (Authority to Approve Awards) Section 15 (Authority to Execute Contracts), this Policy and applicable procedures;

POLICY TITLE: CORPORATE PROCUREMENT POLICY

POLICY NO.: Policy number assigned by Policy Coordinator.

- (g) The decision to engage a Fairness Monitor is at the discretion of the Director of Procurement Services in consultation with the procuring Director, and will be executed in accordance with this Policy;
- (h) Managing bidding issues and bid disputes and protests in accordance with applicable City policy and procedures;
- (i) The development of Collaborative Procurement plans with other levels of government, municipalities, boards, agencies, commissions, or public sector entities where such plans are determined to be in the best interests of the City;
- (j) Conducting periodic monitoring of Procurements and Low Dollar Purchases (LDP) for compliance with relevant City policies and procedures, and advising Departments of any issues;
- (k) Reporting on Procurement activity and providing relevant reports to Council on a bi-annual basis;
- (l) The care, custody, and control of records for all Competitive and Non-Competitive Procurement processes and Contracts; and
- (m) The disposal of surplus stock or obsolete equipment.

3. PROCUREMENT SERVICES MANAGERS

Procurement Managers are responsible for:

- (a) Carrying out responsibilities as delegated by the Director of Procurement Services;
- (b) Ensuring that Procurement processes are carried out in accordance with this Policy, related policies, and procedures;
- (c) Providing strategic Procurement advice and guidance, including determination of the appropriate Procurement process, Supplier performance and Contract Management;
- (d) Authorizing Contract Awards and Amendments in accordance with Section 14 (Authority to Approve Awards) and Section 15 (Authority to Execute Contracts) and Schedule "B"; and
- (e) Posting Contract Award information reports to the City's external website.

4. DEPARTMENT DIRECTORS

Directors are accountable to their respective City Manager or Deputy City Manager for ensuring compliance with this Policy and the relevant procedures with respect to the activities of their Departments.

POLICY TITLE: CORPORATE PROCUREMENT POLICY

POLICY NO.: Policy number assigned by Policy Coordinator.

In addition, they are responsible for:

- (a) Directing and overseeing all Departmental Procurement processes and preparing all planning documentation stipulated by Procurement Services for all Procurements whether planned or on an Emergency basis;
- (b) The submission of clear and accurate specifications or scope of work of their department's Bid Request based on operational or capital objectives;
- (c) Allowing sufficient time to complete the Procurement process, in accordance with process timelines advised by Procurement Services;
- (d) Delegating specific authority to Department Contract Managers, where applicable, for Procurement process responsibility and/or contract management responsibility;
- (e) Overseeing the management of all Contracts led by or coordinated by their Department;
- (f) Except for an Emergency, ensuring that no Goods and/or Services are ordered, requested, delivered or performed until after a Contract is executed in accordance with this Policy;
- (g) Authorizing Contract Awards and Amendments in accordance with Section 14 (Authority to Approve Awards) and Section 15 (Authority to Execute Contracts) and Schedule "B";
- (h) Advising Procurement Services of any issues with respect to Procurement processes; and
- (i) Ensuring staff compliance with this Policy and related Procurement procedures.

5. DEPARTMENT MANAGERS

Each Departmental Manager (including Departmental Contract Manager, where applicable) is responsible for:

- (a) Preparing all Procurement planning documentation stipulated by Procurement Services;
- (b) Except for an Emergency, ensuring that no Goods or Services are ordered, requested, delivered, or performed until after a Contract is executed in accordance with this Policy;
- (c) Advising Procurement Services of any issues with respect to Procurement processes;

POLICY TITLE: CORPORATE PROCUREMENT POLICY

POLICY NO.: Policy number assigned by Policy Coordinator.

- (d) Authorizing Contract Awards and Amendments in accordance with Section 14 (Authority to Approve Awards) and Section 15 (Authority to Execute Contracts) and Schedule "B"; and
- (e) Ensuring staff compliance with this Policy and all related policies and procedures.

ADMINISTRATION

Administered by the Office of the City Clerk.

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| Review Schedule: | SELECT If other, specify here | Next Review Date: | Click or tap to enter a date. |
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Revision History

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