



The Corporation of the City of Temiskaming Shores

Procurement Policy

By-law No. 2017-015

**Being a by-law to adopt a Procurement Policy for the
City of Temiskaming Shores**

By-laws amending original Municipal By-law No. 2017-015:

By-law No. 2023-133

December 19, 2023

Note:

This office consolidation has been prepared to assist the reader in understanding the amendments to By-law No. 2017-015.

The Corporation of the City of Temiskaming Shores
By-law No. 2017-015
Being a by-law to adopt a Procurement Policy for the
City of Temiskaming Shores

Whereas under Section 8 of the Municipal Act, 2001, S.O. 2001, as amended, the powers of a municipality shall be interpreted broadly to enable it to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues;

And whereas under Section 9 of the Municipal Act, 2001, S.O. 2001, as amended, a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

And whereas under Section 10(1) of the Municipal Act, 2001, S.O. 2001, as amended, a single-tier municipality may provide any service or thing that the municipality considers necessary or desirable for the public;

And whereas Section 270(1) 3 of the Municipal Act, 2001, S.O. 2001, as amended, provided that a municipality shall adopt and maintain policies with respect to the procurement of goods and services;

And whereas Council considered Administrative Report CS-003-2017 at the January 17, 2017 Regular Council meeting and directed staff to prepare the necessary by-law for the adoption of a new Procurement Policy and repeal By-law No. 2009-012, as amended for consideration at the February 7, 2017 Regular Council meeting;

And whereas this by-law establishes the authority and sets out the methods by which goods and services will be purchased for the purposes of the City of Temiskaming Shores subject to certain exceptions set out herein;

Now therefore the Council of the Corporation of the City of Temiskaming Shores hereby enacts as follows:

1. The Council adopts Procurement Policies for the City identified as Schedule "A", attached hereto and forming part of this by-law;
2. That By-law No. 2009-012, as amended is hereby repealed upon adoption of this by-law;
3. That the Clerk of the City of Temiskaming Shores is hereby authorized to make minor modifications or corrections of a grammatical or typographical nature to the By-law and schedule, after the passage of this By-law, where such modifications or corrections do not alter the intent of the By-law.
4. That this By-Law shall come into force and take effect on the date of its final passing.

Read a first and second time this 7th day of February, 2017.

Mayor – Carman Kidd

Clerk – David B. Treen

Read third time and finally passed this 21st day of February, 2017.

Mayor – Carman Kidd

Clerk – David B. Treen



Schedule “A” to

By-law No. 2017-015

The Corporation of the City of Temiskaming Shores

Procurement Policy

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1.0 Mission

To obtain the right goods and/or services when needed while achieving best value through a transparent, fair and competitive process with a high focus on Customer Service.

2.0 Objective

The objective of this policy is to establish and maintain a high level of confidence in the procurement process by ensuring that the City of Temiskaming Shores' procurement of goods and services necessary to provide the programs and/or services of the municipality is carried out in an open, fair, consistent, efficient and competitive manner that strikes a balance between public accountability, competition, quality and innovation. Therefore, the City of Temiskaming Shores is committed to:

- 2.1** Basing all procurement decisions for goods and/or services on total procurement costs from suppliers who meet the City's requirement for quality, delivery and warranty;
- 2.2** Ensuring that the City's requirements for goods and services are met through an open and fair process that provides the highest possible degree of competition and value to the City;
- 2.3** Encouraging innovation in procurement whether it be through partnerships, purchasing co-operatives, joint contracts or any other mechanism that best meets the interest of the municipality while maintaining the integrity of this policy;
- 2.4** Ensuring that accessibility criteria and features are incorporated when procuring or acquiring goods, services or facilities, except where it is not practicable to do so, in accordance with the Integrated Accessibility Standard Regulation (2012) and its successors;
- 2.5** Ensuring that procurement decisions are free of any conflict of interest between suppliers and members of Council, officials or employees and members of their immediate families;
- 2.6** Ensuring that, all things being equal, the City will seek to procure Canadian goods and services from local, regional, provincial or national sources; and
- 2.7** To receive goods and services in a timely and expeditious manner as required for daily operations and capital improvements.

3.0 General Provisions

No procurement of goods and/or services shall be authorized unless it is in compliance with this Policy. Goods and/or services that are obtained without following the provisions of this policy may not be accepted and any invoices received may not be processed for payment.

Wherever possible, it should be the intent of the department to procure goods and/or services of like nature as a combined effort in order to benefit from economies of scale.

This policy will be reviewed and revised on a periodic basis. It is anticipated that reviews will be conducted every five (5) years or more frequently as required.

4.0 Definitions

In this by-law,

"Advertisement" means the public communication of Bid opportunities through one or more predetermined methods which may include electronic mail, internet/web, newspaper and/or an electronic tendering method to ensure an open, fair, transparent and competitive process.

"Award" means authorization to proceed with the purchase of goods and/or services from a chosen supplier.

"Best Value" means evaluating bids not only on purchase price and life cycle cost considerations, but also taking into account items such as environmental and social considerations, delivery, servicing and the capacity of the supplier to meet other criteria as stated in the tender documents.

"Bid" means an offer or submission from a supplier in response to a Bid Solicitation which is subject to acceptance or rejection by the City.

"Bid Deposit" means the form of security required by the terms and conditions of Bid Solicitations to guarantee that the successful supplier enters into a contract with the City, as required by Section 10.5.6 of this By-law.

"Budget" means the budget or portion of the budget approved by Council.

"Change Work Order" means work that is added to or deleted from the original scope of work of a contract, which alters the original contract amount and/or completion date.

"City" means The Corporation of the City of Temiskaming Shores.

"City Manager" means the official appointed as the administrative manager of the City of Temiskaming Shores or his/her designate.

"Clerk" means the Municipal Clerk of the City or his/her designate.

"Compliant Bid" means a bid that meets the terms and conditions of the bid solicitation and this by-law.

"Conflict of Interest" means a situation where a personal, business or other interest of an elected or appointed official, officer or employee of the City is or can be reasonably be perceived to be in conflict with the interest of the City and includes but is not limited to:

- a) The giving or receiving of a direct or indirect personal gain or benefit or a direct or indirect advantage or privilege by any person or business that offers goods and/or services to the City;
- b) A direct or indirect interest in any business that provides goods and/or services to the City;
- c) A conflict of interest as defined in the Municipal Conflict of Interest Act; or
- d) A conflict of interest as defined in the City's Code of Ethics/Conflict of Interest policy as may be amended.

"Construction" means a construction, reconstruction, demolition, repair or renovation of a building, structure or other engineering or architectural work and includes site preparation, excavation, drilling, soil or seismic investigation, the supply of products and materials and the supply of equipment and machinery incidental to the construction and the installation and repair of fixtures of a building, structure or other engineering or architectural work.

"Contract" means a binding agreement between two or more parties that creates an obligation to provide goods or perform services.

"Cooperative Procurement" means the participation of two or more municipalities, levels of governments or public agencies in a joint bid solicitation.

"Council" means the Council of The Corporation of the City Temiskaming Shores.

"Department" means an operational department with the City of Temiskaming Shores.

"Department Head" means an employee who has been designated by the City as one who directs or oversees a department and the employees within that department or his/her designate or any successor position thereto.

"Electronic Bids/Bidding" (Email or Internet) means a method of issuing Bid Solicitations and/or receiving written Bids where the process of issuing and/or receiving Bids by email or internet/web is considered appropriate.

"Electronic Signature" means electronic information that a person creates or adopts in order to sign a document, such as a Bid or a Contract, and that is in, attached to or associated with the document (i.e., Bid or Contract).

"Emergency" means a situation where the procurement of goods and services requires immediate action to prevent or correct dangerous or potentially dangerous safety conditions, further damage, to restore minimum service or ensure the safety of the public.

"Fair Market Value" means the price that would be agreed to in an open and unrestricted market between knowledgeable and willing parties dealing at arm's length who are fully informed and not under any compulsion to transact.

"Goods" means, in relation to procurement, moveable property (including the costs of installing, operating, maintaining or manufacturing such moveable property), including raw materials, products, equipment and other physical objects of every kind and description whether in solid, liquid, gaseous or electronic form, unless they are procured as part of a general construction contract.

"Lowest Compliant Bid" means the compliant bid that would provide the City with the desired goods and/or services at the lowest cost.

"Manager/Supervisor" means an employee of the City holding the position of manager/supervisor.

"Negotiation" means a purchasing method whereby the City may negotiate directly with one or more suppliers with the intent to award a contract or extend an existing contract.

"Point of Sale" means the procurement of goods and/or services directly from a services supplier, retailer, wholesaler or by ordering through a catalogue or product guide.

"Procurement" means to acquire goods and/or services by purchase, rental, lease or trade.

"Purchase Order" means a written confirmation of the purchase of goods and/or services at a specific cost.

"Quotation" means a binding statement of price, terms of sale and description of goods and/or services offered by a supplier.

"Request for Proposal (RFP)" means a competitive procurement process for obtaining unique proposals designed to meet broad outcomes to a complex problem or need for which there is no clear or single solution.

"Request for Quotation (RFQ)" means a request for prices on specific goods and/or services from vendors where the comprehensive technical specifications can be developed.

"Request for Tender (RFT)" means a competitive procurement process for obtaining competitive bids based on precisely defined requirements for which a clear or single solution exists.

"Services" means intangible products that do not have a physical presence and includes Professional Services. No transfer of possession or ownership takes place when services are sold and they 1) cannot be stored or transported; 2) are instantly perishable; and 3) come into existence at the time they are bought and consumed.

"Single Source" means the non-competitive procurement process to acquire goods and/or services from a specific supplier even though there may be more than one supplier capable of delivery of the same goods and/or services.

"Supplier" means any individual or organization offering goods and/or services including but not limited to contractors, consultants, vendors or service organizations.

"Tender" means a written detailed offer from a supplier to supply goods and/or services to the City.

"Treasurer" means the Treasurer for the City or his/her designate.

5.0 Responsibilities

5.1 Council

- Approve and adopt this policy.
- Actively support the Procurement Policy.
- Approve amendments as required.

5.2 City Manager

- Approve amendments to this policy which are minor in nature and which do not result in a change to the intent of the policy.
- Actively support the Procurement Policy.
- Maintain a general knowledge of legalities and legislation to which this policy is founded and administered.

5.3 Department Heads

Be responsible for and ensure that all expenditures for their departments are in compliance with the purchasing and budget policies.

- Designate employees within their departments the authority to procure.
- Actively support the Procurement Policy.
- Maintain a general knowledge of legalities and legislation to which this policy is founded and administered.

5.4 Treasurer

- Recommend necessary amendments to this policy for the consideration of the City Manager and Council.
- Provide interpretations and recommendations to the City Manager and/or Council in regard to the interpretation and implementation of this policy.
- Monitor adherence to the regulations of this policy.
- Actively support the Procurement Policy.
- Develop and implement procedures to enhance the efficiency of this policy.

- Maintain a general knowledge of legalities and legislation to which this policy is founded and administered.

5.5 Other Designated Staff

- Procure goods and/or services in an efficient and cost-effective manner.
- Make all procurements on a competitive basis, without favouritism, in the best interest of the municipality consistent with quality, quantity, service and delivery except where a non-competitive commodity is required.
- Ensure the greatest value for the City by exercising professional procurement practices, free from influence and interference, and encourage where practical, standardization and open and competitive bidding.
- Promote the procurement methods and tools outlined in this policy to allow staff to effectively and efficiently carry out their responsibilities and acquire goods on time.
- Maintain a general knowledge of legalities and legislation to which this policy is founded and administered.

6.0 Approval Authority

Any person with delegated approval authority pursuant to this policy shall ensure that an approved budget exists for the proposed procurement and that such procurement does not violate any City policies or any applicable law. Any such procurement shall also satisfy any applicable audit and documentation requirements of the City.

All applicable taxes, duties and shipping shall be included in determining the procurement limit of authorized delegates and the type of procurement process to be followed.

The following body and persons shall have the respective approval authority as set out below. All dollar values are based on transaction amounts and must be within the pre-approved budget limits.

6.1 Council

Council must approve by by-law or resolution the following:

- RFP or RFT greater than \$100,000
- RFQ greater than \$50,000
- Sole source or single source greater than \$50,000
- Change Work Orders or Contract Extensions greater than \$50,000

6.2 City Manager

City Manager may approve the following:

- RFP and RFT up to \$100,000
- RFQ up to \$50,000
- Invoices or purchase orders up to \$100,000
- Sole source or single source up to \$50,000
- Change Work Order or Contract Extension up to 10% of the total contract amount for contracts previously approved by Council
- Appointment of Consulting Services not exceeding \$50,000

6.3 Department Heads

Department Heads may approve the following:

- RFQ, RFP, RFT up to \$25,000
- Invoices or purchase orders up to \$25,000
- Change Work Orders or Contract Extensions up to 5% of the total contract amount for contracts previously approved by Council
- Appointment of Consulting Services not exceeding \$25,000

6.4 Treasurer

The Treasurer is the Controller/Compliance Officer for the purpose of this policy and has:

- Authority to approve invoices or purchase orders up to \$25,000
- Authority to approve all routine/repetitive invoices for goods and/or services as approved within annual budget estimates (ie. utility bills, DTSSAB, policing, etc.)
- Authority to approve all invoices for goods and/or services as approved by Council agreement (by-law and/or resolution)

6.5 Municipal Clerk

The Municipal Clerk may approve the following:

- RFQ up to \$10,000
- Invoice or purchase orders up to \$10,000

6.6 Manager/Supervisors

Managers/Supervisors may approve the following:

- RFQ up to \$10,000
- Invoice or purchase orders up to \$10,000

6.7 Public Works Clerk

The Public Works Clerk may approve the following:

- RFQ up to \$5,000
- Invoice or purchase orders up to \$5,000

6.8 Other Designated Staff

Approval limits for other designated staff will be established by the City Manager as part of the City's procurement procedures.

7.0 Statement of Ethics

All employees who are authorized to procure goods and/or services on behalf of the City are to adhere to the following:

- 7.1** Open and honest dealings with everyone who is involved in the procurement process. This includes all businesses with which the City contracts or from which it procures goods and/or services.
- 7.2** Fair and impartial award recommendations for all contracts and tenders. This means that no preferential treatment is extended to any supplier, including local companies. Not only is it against the law, it is not good business practice since it limits fair and open competition for all potential suppliers and is therefore a detriment to obtaining the best possible value for each tax dollar.
- 7.3** An irreproachable standard of personal integrity on the part of all those delegated as procurement representatives for the City. Absolutely no gifts or favours are accepted by the procurement representatives of this City in return for business or the consideration of business. Also, the procurement representatives of this City do not publicly endorse one company in order to give that company an advantage over others.
- 7.4** An employee who fails to act in accordance with the provisions of this policy will be subject to appropriate disciplinary action consistent with the City's Disciplinary Policy.

8.0 Conflict of Interest

No appointed officer or employee of the City shall have any pecuniary or controlling interest either direct or indirect in any competitive bid or contract for the supply of goods and/or services to the City, unless such pecuniary interest is disclosed by the contractor, bidder or person submitting a quotation, as the case may be, or unless such pecuniary interest would be exempt under the Municipal Conflict of Interest Act.

In this section, "controlling interest" means the interest that a person has in a corporation

when the person beneficially owns, directly or indirectly, or exercises control or direction over equity shares of the corporation carrying more than ten percent of the voting rights attached to all equity shares of the corporation.

For the purpose of this section, a person has an indirect pecuniary interest in any competitive bid or agreement entered into by a corporation, if:

- The person or his or her nominee is a shareholder in or a direct or senior officer of a corporation that does not offer in securities to the public.
- Has a controlling interest in or is a director or senior office of a corporation that offers securities to the public.

For the purposes of this section, an appointed officer or employee of the City has an indirect pecuniary interest if the person is a partner of a person or is in the employment of a person or body that has entered into a tender, proposal, quotation or contract with the City.

For the purposes of this section, the pecuniary interest in a tender, proposal, quotation or contract of a parent or spouse or any child of an elected official, appointed officer or employee shall, if known to the person, be deemed to be also a pecuniary interest of the elected official, appointed officer or employee as the case may be.

9.0 Prohibitions

9.1 Division of Contracts

No employee of the City shall divide a procurement or a contract to avoid the requirements of the tender, proposal, quotation or corporate business card procedures. Nor shall procurements be split in order to circumvent prescribed spending authority dollar limits.

9.2 Interference in the Procurement Process

Elected officials, appointed officers and employees shall not knowingly cause or permit anything to be done or communicated to anyone in a manner which is likely to cause any potential supplier to have an unfair advantage or disadvantage in obtaining a contract for the supply of goods and/or services to the City. This also includes a contract with any other municipality, local board or public body involved in the procurement of goods and/or services either jointly or in co-operation with the City.

Elected officials shall separate themselves from the procurement process and have no involvement whatsoever in specific procurements. Elected officials should not see any documents or receive any information related to a particular procurement while the procurement process is ongoing. Elected officials who receive inquiries from suppliers related to any specific procurement shall immediately direct those inquiries to the Department Head in charge of the procurement.

9.3 Independent Contractor Status

No contract for goods and/or services shall be awarded where the outcome of said contract would result in the establishment of an employee-employer relationship.

10.0 Procurements Methods

The designated procurement staff shall determine the procurement process to be used to procure goods and/or services and they will ensure an open, fair and transparent process. A competitive process will invite qualified providers to compete by making a fair offer to the City. The competitive process includes price inquiries, quotations, tenders, proposals and expressions of interest.

The City may elect to receive Electronic Bids, and the procurement process will be stated in the procurement document.

The procurement methods may be utilized individually or in combination with one another, as may be appropriate in the circumstances.

All methods of procurement, except for the exemptions in Item 12, shall be conducted through or reviewed by the Department Head.

10.1 Corporate Business Card

Corporate Business Cards shall be used in the following circumstances:

- Point of Sale procurements (POS)
- Online procurements
- Telephone/email procurements
- In any circumstances where a Corporate Business Card is accepted.

For procurements by staff within their applicable approval limits where:

- The goods and/or services are readily available at retail outlets or from service providers
- Are required on an item by item basis

Approved employees will be issued Corporate Business Card to use for procurements, up to approval limits, of goods and/or services in support of sound business practices. The provision of a Corporate Business Card is based on the need to procure goods and/or services for the City and the card may be revoked based on change of assignment or location. The provisions of a Corporate Business Card is not an entitlement nor reflective of title or position.

Benefits of the Corporate Business Card program accrue at the Finance level by reducing the number of cheques processed and at the supplier level by reducing their

invoicing to the City and the time for payment.

No employee shall use the Corporate Business Card to procure goods and/or services unless appointed and authorized by the delegate. Any use of a Corporate Business Card shall be in accordance with the Procurement Policy and all other City by-laws and policies. Department Heads are ultimately responsible for ensuring that procurements within their department are made in accordance with the applicable by-laws and policies.

A Corporate Business Card will be issued once the employee has read, signed and submitted the Cardholder Agreement form to the Treasurer, which sets out in writing the employee's responsibilities and restrictions regarding the use of the card.

All Corporate Business Cards issued will have a predetermined "single transaction limit" and a "monthly credit limit".

All Corporate Business Cards will be blocked from obtaining cash advances.

Suppliers will not be rejected for refusing to accept the Corporate Business Card.

The City assumes liability for all authorized charges on the Corporate Business Cards, not the individual cardholder.

Cardholders are required to provide detailed and itemized receipts appropriately received and coded for processing for each transaction.

The Corporate Business Card shall not be used:

- For any procurement of goods and/or services that are prohibited under the Procurement Policy or any other City by-law or policies
- For personal use
- When the total procurement price exceeds the single purchase limit on the card*

* **Note:** if a transaction is in excess of the single purchase limit on the applicable purchasing card, the purchaser may apply to the Finance department for use of the City's main corporate purchasing card as per the Corporate Purchasing Card procedures.

Individual transactions are not to be subject to splitting, which is the practice of committing multiple Corporate Business Card transactions to circumvent delegated authority levels and thus bypassing the City's competitive bidding process, nor are the cards to be used on a repetitive basis to circumvent prescribed approval authority limits. With the appropriate approvals, cardholder limits may be increased either temporarily or permanently based on need by the City Manager.

Permanent full-time employment status is required to obtain a Corporate Business

Card.

Misuse of the Corporate Business Card and/or failure to meet the Cardholder's responsibilities may result in cancellation of the employee's authority to use a Corporate Business Card and/or further disciplinary action as per the City's Disciplinary Policy.

Procurements under a \$2,000 dollar value do not require an RFQ, RFP, RFT or purchase order; however, obtaining competitive quotes is considered good business practice and should be obtained.

10.2 Request for Quotation (RFQ)

Request for Quotation (RFQ) may be used when:

- The estimated price is not greater than \$50,000
- The requirements can be fully defined
- The best value can be achieved by an award selection made on the basis of the lowest quotation that meets specifications

i) Informal Quotations (under \$2,000)

The City shall obtain competitive pricing for procurement in an expeditious and cost effective manner through phone, vendor Advertisements or catalogues and other similar communication methods.

Procurements under a \$2,000 dollar value do not require an RFQ, RFP, RFT or purchase order; however, obtaining competitive quotes is considered good business practice and should be obtained.

ii) Informal Quotations (\$2,000 to \$15,000)

The City shall obtain written competitive pricing for procurement in an expeditious and cost effective manner through fax, email or mail from at least two (2) potential vendors.

Informal quotations are used when procuring goods and/or services for general operating expenditures.

iii) Formal Quotations (\$15,001 to \$50,000)

Formal quotations shall be used for higher value procurements and where a more detailed outline of the proposed goods and/or services is required to obtain the best value.

Designated staff will prepare the solicitation document and send it to at least three (3) potential vendors and evaluate the responses to the solicitation.

See Section 10.5 General Provisions for more details on the process required to be followed.

10.3 Request for Tenders (RFT)

Request for Tender (RFT) may be used in the circumstances set out in Section 10.2 but shall be used when:

- The estimated price is \$50,000 or greater
- The requirements can be fully defined to permit the evaluation of tenders against clearly stated criteria
- Best value can be achieved by an award selection made on the basis of the lowest tender that meets specifications

10.4 Request for Proposal (RFP)

Request for Proposal (RFP) may be used when:

- One or more of the criteria for issuing a call for Tender or Quotation cannot be met
- The requirements are best described in a general performance specification
- Innovative solutions for a procurement are sought

10.5 General Provisions

City of Temiskaming Shores personnel must not release any information made available as an employee that is not available to the public on request. Information made available to a potential supplier must be made available to all potential suppliers. During the competitive processes, personnel shall not release any information which may provide one supplier with an advantage over another.

Any and all information provided, with the exception of documents relating to a Public Tender Opening, by a potential supplier during these processes shall remain confidential pending analysis and award.

Department Heads or other designated staff shall be responsible to:

- i) Prepare solicitation document submissions which must be addressed to the attention of the Municipal Clerk and include the Quotation, Tender or Proposal number and designated closing date and time.
- ii) Where applicable, solicitation document instructions are to include as part of the terms and conditions the requirement that the bidder must furnish evidence of compliance with the requirements of the Workplace Safety and Insurance Board and Harmonized Sales Tax.
- iii) Where applicable, solicitation documents must clearly indicate insurance

requirements to be provided by the successful bidder and must furnish the municipality with a Certificate of Insurance which provides for an additional insured clause naming the municipality under the general comprehensive liability insurance. For contractors with automobile liability insurance only, proof of insurance will be required.

- iv) Where applicable, all documents shall have provision for a document fee as approved in the Municipal Fees By-law.
- v) Where applicable, Bid Deposits for a specified amount shall be in the form of a bid bond, certified cheque, money order or letter of credit.
- vi) The municipality does not pay interest on bid deposits.
- vii) Bid deposits must be original documentation, signed and sealed as appropriate.
- viii) Competition ads and solicitation documents shall include a clause that reads *the lowest or any tender may not necessarily be accepted*.
- ix) A competitive process Advertisement shall be in local media (newspaper), or on the internet/web, or through an electronic tendering method, when the goods and/or services is valued over \$50,000 or when the value is under \$50,000 and it is necessary or practical to do so for fair notice of the competition, and may be mailed or emailed to qualified service providers/suppliers.
- x) A copy of the solicitation document must be provided to the Municipal Clerk.
- xi) Bidding will be by means of electronic submission through email or internet/web, or by paper procurement document.
- xii) All submissions must be received by the Municipal Clerk. Upon receipt of paper submissions, the time and date shall be indicated on the envelopes.
- xiii) Any changes or additional information shall be issued by Addendum, and posted at a minimum on the City's website. This will ensure that no parties shall have an unfair advantage during the bid process.
- xiv) Disclosure of information received relevant to the issue of solicitation requests or award of contracts as a result of any solicitation shall be made to the Municipal Clerk in accordance with the provisions of the Municipal Freedom of Information and Protection to Privacy Act, as amended.
- xv) The Municipal Clerk is responsible to maintain current insurance certificates and WSIB certificates or any other documentation as called for in the solicitation documents.
- xvi) Original documents must remain with and will be retained by the Municipal Clerk.

10.6 Submission of Bids

Unless otherwise indicated in the competitive bid documents, bids shall be accepted through Electronic Bidding prior to the time and date specified by the competitive bid.

The closing time shall be clearly stated in the competitive bid documents.

Bids in paper form, received at City Hall later than the specified closing time shall be returned unopened to the bidder. The official time is the time/date stamp.

A bidder who has already submitted a bid may submit a further bid at any time up to the official closing time and date specified by the competitive bid documents. The last bid received shall supersede and invalidate all bids previously submitted by the same bidder.

A bid may be withdrawn at any time up to the official closing time by letter on original letterhead bearing the same signature as in the bid submission.

10.7 Bid Opening

The opening of bids shall commence shortly after the bid closing time, unless the Clerk or designate postpones the start to some later time, but the opening shall continue once started until the last bid is opened.

In the event of unforeseen circumstances and the need for postponement of the competition opening, the City shall make every endeavor to notify all proponents at the earliest possible opportunity when circumstances become known.

The Clerk shall first before reading the submitted name, consult with the "Ineligible to Bid" list. Should the proponents name appear on such list, the Clerk shall declare the proponent to be ineligible to bid and the submission returned to the proponent unopened.

The Clerk shall read aloud the proponents name and final bid price, along with the statement "all offered prices are offers only and subject to scrutiny". All proponents whether successful or not will be notified of results, in writing at a later date.

10.8 Evaluation of Bids

i) No Acceptable or Equal Bids

Where bids are received that exceed budget, are not responsive to the requirement or do not represent fair market value, a revised competitive request shall be issued in an effort to obtain an acceptable bid unless the section below applies.

The City Manager and Department Head jointly may waive the need for a revised competitive request and enter into negotiations with the lowest responsive bidder or a highest responsive bidder for a revenue-generating bid selection emanating

from a competitive bid, under the following circumstances:

- The total cost of the lowest responsive bid is in excess of the funds appropriated by Council for the project or the highest responsive bid revenue is less than that made in appropriate accounts in Council approved divisional estimates; and
- The City Manager and Department Head agree that the changes required to achieve an acceptable bid will not change the general nature of the requirement described in the competitive bid.

The method of negotiation shall be those accepted as standard negotiating procedures that employ ethical public procurement practices in consultation with the Department Head.

The City reserves the right in its absolute and sole discretion to cease negotiations and reject any offer.

In the unlikely event that two (2) or more compliant equal bids are submitted during a competitive bid process, the bid with the earliest official date/time stamp as indicated on the bid envelope or the electronic date/time stamp, will be considered the first bid received.

ii) Only One (1) Bid Received

In the event only one (1) bid is received in response to a competitive bid, the Department Head may return an unopened paper bid to the bidder when, in the opinion of the City Manager and Department Head, using criteria based on the number of bids which might reasonably be expected on a given type of bid, additional bids could be secured. In returning the unopened paper bid, the Department Head shall inform the bidder that the City may be re-issuing the competitive bid at a later date.

Or, in the event that only one (1) bid is received in response to a request for competitive bid, the bid may be opened and evaluated in accordance with the City's usual procedures when, in the opinion of the City Manager and Department Head, the bid should be considered by the City. If, after evaluation the bid is found not to be acceptable, the procedures as indicated in the above paragraph may be followed with some modifications.

In the event that the bid received is found acceptable, it will be awarded.

- Fair and impartial award recommendations for all contracts and tenders. This means that no preferential treatment is extended to any supplier, including local companies. Not only is it against the law, it is not good business practice since it limits fair and open competition for all potential suppliers and is therefore a detriment to obtaining the best possible value for each tax dollar.

iii) Supplier Barring Protocol

In order to ensure that the City of Temiskaming Shores (the "City") is receiving quality goods and services and value for public money and in the interests of increasing the efficiency of the procurement process, the City may disqualify suppliers from eligibility to compete for or be awarded City contracts for prescribed time periods for the following reasons:

- a) The supplier brought frivolous or vexatious litigation proceedings against the City.
- b) The supplier failed to honour a proposal submitted in response to a City procurement opportunity.
- c) The supplier failed to disclose conflicts of interest in connection with City procurement opportunities.
- d) The supplier was convicted of bid-rigging, price-fixing or collusion or other statutory offenses.
- e) The supplier engaged in unethical business practices.
- f) The supplier had significant performance issues on a prior contract with the City.

The analysis and factors to be considered by the City in making a decision to disqualify a supplier are set out in greater detail in Appendix D to this policy. Generally, a decision to bar a supplier from submitting proposals or from being eligible from contract award must be exercised cautiously. The decision must be applied fairly, supported by evidence, exercised in accordance with the factors set out in this policy and appropriately approved. While a decision to place a supplier on the disqualification list is discretionary, such a decision must be exercised consistently and fairly.

10.9 Award

i) Contractual Agreement

The award of a contract may be made in writing to the successful proponent by way of an Agreement (By-law), Resolution or Purchase Order.

A Purchase Order or Resolution of Council is to be used when the resulting contract is straightforward and will contain the City's standard terms and conditions, e.g. Procurement of materials, goods and services.

An Agreement (By-law) is to be used when the resulting contract is complex and will contain terms and conditions other than the City's standard terms and conditions e.g. Construction Projects.

It shall be the responsibility of the City Manager and Department Head to

determine if it is in the best interest of the City to establish an agreement with suppliers.

Where an agreement is required, as a result of the award of a contract by delegated approval authority, the Mayor and Municipal Clerk shall execute the agreement in the name of the City upon Council approval. Unless otherwise required by statute or by-law, an agreement may be executed electronically and/or by Electronic Signature in accordance with any legal requirements and any corporate policies, provided that the provisions of this By-law are otherwise complied with, subject to any necessary modifications.

A purchase order is not required to be issued if an agreement (by-law) or resolution is passed, however may be issued if requested by the supplier.

Where a formal agreement (by-law) is not required, the authorized personnel shall issue an authorized Purchase Order incorporating the terms and conditions relevant to the award of the contract.

ii) Contract Amendments or Change Work Orders

- a) No amendment to a contract shall be made unless the amendment is in the best interest of the City.
- b) No amendment that changes the price of a contract shall be agreed to without a corresponding change in requirements or scope of work.
- c) Amendments to contracts are subject to the identification and availability of sufficient funds within Council approved budgets including authorized amendments.
- d) The City Manager may authorize amendments up to a maximum of 10% of the contract value provided that the total amended value of the contract is within the approved budget limit.
- e) Department Heads may authorize amendments up to a maximum of 5% of the contract value provided that the total amended value of the contract is within the approved budget limit.
- f) Where expenditures for the proposed amendment combined with the price of the original contract exceeds the Council approved budget for the project, a memo or report shall be submitted to Council recommending the amendment and the proposed source of financing.
- g) Council must approve all change work orders over the City Manager's approval % limit and the Department Head's approval % limit.
- h) All contract extensions or change work orders within the approval limit of the City Manager or Department Head shall be reported to Council at the conclusion of the project.
- i) All contract extensions and change work orders must be communicated to

the Treasurer for presentation as part of the financial reporting.

iii) Execution and Custody of Documents

The Mayor and Municipal Clerk are authorized to execute formal agreements in the name of the City for which the award was made by delegated authority.

The City Manager, Department Head and/or other authorized personnel shall have the authority to execute Purchase Orders issued in accordance with this Policy.

The Municipal Clerk shall be responsible for the safeguarding of all original procurement and contract documents/records for the contracting of goods, services or construction for which the award is made by delegated authority.

iv) Performance Evaluation

At the outset of a project the Department Head shall institute a performance evaluation process in contracts where the City Manager and/or Department Head determine that a performance evaluation would be appropriate.

The performance evaluation shall rate the supplier, contractor or consultant on standard criteria adopted from time to time (ie. failure to meet contract specifications, terms and conditions, health and safety violations, etc.). A copy of the award letter and performance evaluations shall be provided to the supplier, contractor or consultant in advance of the contract and shall remain constant for the duration of the contract. Performance issues must be noted in writing with a copy to the supplier, Department Head and a copy to the project file.

On completion of the project the Department Head will review the evaluation. All supporting documents pertaining to any substandard performance and comments must be attached to the evaluation document. The Department Head will forward a copy of the completed evaluation to the supplier, contractor or consultant for their records. The supplier, contractor or consultant may request a meeting with the Department Head to discuss the evaluation.

10.10 Non-Competitive Procurements

i) Emergency Procurements

Where an Emergency exists requiring the immediate procurements of goods, services or construction, a Department Head may procure the required goods, services or construction by the most expedient and economical means, notwithstanding any other provision of this By-law. As soon as practicable thereafter, the Department Head shall comply with this By-law.

For all emergency procurements made by a manager/supervisor, the manager/supervisor shall as soon after the procurement as reasonably possible, notify the Department Head with a written report detailing the circumstances of the

emergency along with the signed purchase requisition.

In all circumstances where the emergency procurement exceeds \$25,000, the Department Head shall prepare a report to the City Manager.

ii) Single/Sole Source

In circumstances where there may be more than one source of supply in the open market, but only one of these is recommended by the Department Head in consultation with the City Manager for consideration on the grounds that it is more cost effective or beneficial to the City and where the expenditure will exceed \$10,000, approval must be obtained by Council prior to the negotiations with the single source. The Department Head or designate shall be responsible for submitting a report detailing the rationale supporting the use of the single source and to obtain approval from Council for the tendering procedure to be waived and for authorization to negotiate with the sole source supplier.

In every circumstance where there is a single source supplier selected, a report must be kept on file that includes the reason why a single source supplier was selected. This report should be signed by staff involved in the process, including the Department Head responsible. A copy of this report is to be forwarded to the City Manager.

10.11 Blanket Purchase Order

A Blanket Purchase Order is established when the number of purchase orders issued for the same type of product becomes significant, eg. Office Supplies.

The following conditions will apply to a Blanket Purchase Order:

- For a specified period of time, not exceeding one (1) calendar year;
- Must be with the current budget year;
- Must be for specific, identified items; and
- A formal quotation process is required to the issuance of a blanket purchase order.

More than one supplier may be selected where it is in the best interest of the City and the Bid Solicitation allows for more than one.

The expected quantity of the specified goods, services or construction to be procured over the time period of the agreement will be as accurate an estimate as practical and be based, to the greatest extent possible, on previous usage adjusted for any known factors.

10.12 Co-operative Procurement

The City may where it is in the best interest of the taxpayers, be a member of a co-operative purchasing group made up of several public agencies. This group pools its expertise and resources in order to practice good value analysis and to purchase goods and/or services in volume to save tax dollars. The individual policies of the government agencies or public authorities participating in the co-operative competitive bid are to be the accepted by-law for that particular competitive bid.

The decision to participate in a co-operative procurement agreement will be made by the Department Head for Council consideration and approval.

11.0 Complaint Resolution

The City of Temiskaming Shores encourages the most open, competitive bid process for the procurement of goods and/or services procured utilizing available procurement methods with the objective of equitable treatment of all vendors.

To maintain the integrity of the process, suppliers who believe that they have been treated unfairly shall submit an objection to the City Manager providing sufficient detail regarding the complaint.

The City Manager shall arrange a debriefing with the supplier to explain the evaluation process that led to the selection of the successful supplier.

The City Manager shall investigate the complaint and make a recommendation to the Department Head initiating the procurement, or Council, as appropriate.

To ensure that the complaint process is seen to be fair and impartial, elected officials shall not advocate on behalf of suppliers who have submitted an objection.

12.0 Exceptions

Wherever possible staff will seek to obtain the best possible value for goods and/or services; however, the procurement methods described in this policy may not apply to the procurement of the following goods and/or services:

12.1 Training and Education

- Registration and tuition fees for conferences, conventions, courses and seminars
- Magazines, books and periodicals
- Memberships

12.2 Refundable Council/Employee Expenses

- As per Municipal Business, Travel and Expense Policy
- As per Collective Agreement

12.3 Employer General Expenses

- Payroll deduction remittances
- Insurance Premiums (Health, Liability)
- Postal Services
- Courier Services
- Licences (communication, vehicle, amusement devices, etc.)
- Debenture payments
- Damage claims
- Petty cash replenishments
- Tax remittances
- Other government agencies (federal, provincial, municipal)

12.4 Utilities

- Hydro
- Natural Gas
- Telephone
- Cell Phone
- Hot Water Tank Rentals
- Internet

12.5 Advertising

- Radio
- Television
- Newspaper
- Magazine

12.6 Professional Services

- Medical services
- Expert witnesses
- Municipal solicitor
- Municipal auditor
- Collection agency
- Appraisers

- Banking services

Bid Irregularities

	Irregularity	Response Paper Bid	Response Electronic Bid
1	Late Bids	Automatic Rejection Returned unopened to the bidder (if known)	Automatic Rejection
2	Unsealed Envelopes	Automatic Rejection	N/A
3	Insufficient Financial Security		
	a) No bid deposit, uncertified cheque or financial security not submitted/ uploaded with submission and/or not in the acceptable form	Automatic Rejection	Automatic Rejection
	b) Amount of Financial Security is insufficient:	Automatic Rejection	Automatic Rejection
	i) Amount of security is expressed as a percentage of total sum	Automatic Rejection; unless in the opinion of the Department Head or City Manager, the insufficiency in the financial security is trivial or insignificant	Automatic Rejection; unless in the opinion of the Department Head or City Manager, the insufficiency in the financial security is trivial or insignificant
	ii) Amount of security is expressed as a dollar figure	Automatic Rejection	Automatic Rejection
	c) Name or signature of supplier or bonding company are missing or incomplete	Automatic Rejection	Automatic Rejection
	d) Failure to provide letter of agreement to bond (if required)	Automatic Rejection	Automatic Rejection
4	Bid Document – Execution		
	a) Bids completed in erasable medium	Automatic Rejection	Automatic Rejection
	b) Signature of Representative		
	i) Signature/ Electronic Signature of representative authorized to bind the supplier missing or incomplete on bid document	Automatic Rejection	Automatic Rejection
	c) Form of Proposal or Quotation missing or incomplete	Two (2) working days* to correction to the satisfaction of the Department Head, otherwise automatic rejection	Two (2) working days* to correction to the satisfaction of the Department Head, otherwise automatic rejection
	d) Form of Tender missing or incomplete	Automatic Rejection	Automatic Rejection

	e) Signature/ Electronic Signature of witness, if required, missing or incomplete	Two (2) working days* to correct, otherwise automatic rejection	Two (2) working days* to correct, otherwise automatic rejection
	f) Date of Bid missing or incomplete	Two (2) working days* to correct, otherwise automatic rejection, or if stated in the Bid Solicitation, automatic rejection	Two (2) working days* to correct, otherwise automatic rejection, or if stated in the Bid Solicitation, automatic rejection
5	Incomplete, illegible or obscure Bid or Bids which contain information not called for, erasures, overwriting or strike outs (not initialed)	Two (2) working days* to correct to the satisfaction of the Department Head, otherwise automatic rejection	Two (2) working days* to correct to the satisfaction of the Department Head, otherwise automatic rejection
6	Document, in which all necessary Addenda have not been acknowledged	Two (2) working days* to confirm Bid to the satisfaction of the Department Head or if stated in the Bid Solicitation, automatic rejection	Two (2) working days* to confirm Bid to the satisfaction of the Department Head or if stated in the Bid Solicitation, automatic rejection
7	Failure to attend mandatory site visit (if required)	Automatic Rejection	Automatic Rejection
8	Bid received on documents other than those provided in the Bid Solicitation	Automatic Rejection unless allowed for in the bid Solicitation	Automatic Rejection unless allowed for in the bid Solicitation
9	Failure to insert the bidder's business name in the space provided in the Bid Solicitation Form	Automatic Rejection unless in the opinion of the Department Head, the incomplete nature is trivial or insignificant	Automatic Rejection unless in the opinion of the Department Head, the incomplete nature is trivial or insignificant
10	Mathematical Errors	Two (2) working days* to initial the correction as made by the Corporation. Unless otherwise stated in the Bid, the unit price shall prevail and the total Bid price shall be adjusted accordingly. The Corporation reserves the right to waive initialing and accept the Bid as corrected	Two (2) working days* to initial the correction as made by the Corporation. Unless otherwise stated in the Bid, the unit price shall prevail and the total Bid price shall be adjusted accordingly. The Corporation reserves the right to waive initialing and accept the Bid as corrected
11	Qualified Bids (Bids qualified or restricted by an attached statement)	Automatic Rejection	Automatic Rejection
12	Bids containing minor obvious clerical errors	Two (2) working days* to confirm Bid to the satisfaction of the Department Head	Two (2) working days* to confirm Bid to the satisfaction of the Department Head
13	Any other irregularities	The Department Head or designate shall have the authority to waive other irregularities or grant two (2)	The Department Head or designate shall have the authority to waive other irregularities or grant two (2)

		working days to initial such other irregularities considered to be minor.	working days to initial such other irregularities considered to be minor.
* Where “working days” is specified, this is from the hour the Bidder is notified by municipal staff of the irregularity.			

Levels of Approval Authority

Approval Authority	Dollar Value (including taxes, duty or shipping)	Tool/Procurement Process	Policy Section
Council	Greater than \$50,000	Single or Sole Source	6.1
	Greater than \$100,000	RFQ, RFP or RFT	
	Greater than 10% of total contract amount	Change work order or Contract Extensions – previously approved by City Council	
City Manager	Up to \$50,000	Single or Sole Source	6.2
	Up to \$100,000	RFQ, RFP or RFT	
	Up to 10% of total contract amount	Change work order or Contract Extensions – previously approved by City Council	
Department Head	Up to \$25,000	Invoices/Purchase Orders	6.3
	Up to \$25,000	RFQ, RFP, RFT	
	Up to 5% of total contract amount	Change work order or Contract Extensions – previously approved by City Council	
Treasurer	Up to \$25,000	Invoices	6.4
Manager/ Supervisor	Up to \$10,000	Invoices/Purchase Orders	6.5
	Up to \$10,000	RFQ	
An employee authorized by the City Manager	As approved by City Manager	Invoices/Purchase Orders	6.6

Procurement Thresholds and Methods

Procurement Thresholds	Procurement Methods	Process
\$0 - \$2,000	Open procurement	<ul style="list-style-type: none">➤ No quotations required➤ Utilize corporate purchasing card whenever possible
\$2,000 - \$15,000	Informal Quotation	<ul style="list-style-type: none">➤ Two (2) or more competitive written quotations by fax, email or mail➤ Purchase order required
\$15,001 - \$50,000	Formal Request for Quotation or Proposal or Tender	<ul style="list-style-type: none">➤ Formal process of bid solicitation➤ Section 10.5 General Provision for details
\$50,000 or greater	Formal Request for Tender or Proposal	<ul style="list-style-type: none">➤ Formal process of bid solicitation➤ Section 10.5 General Provision for details

Note: Obtaining competitive quotes is considered good business practice and should be obtained during all procurement methods.

Supplier Barring Protocol

1.0 Reasons for Disqualification

The City may disqualify a supplier for one of the following five categories of reasons:

1.1 Litigation

If a supplier engages in litigation against the City, the City may consider whether or not such litigation should disqualify that supplier from participating in future procurement opportunities with the City. Note that litigation brought by the City against a supplier is addressed in Section 1.5.

A supplier who engages in litigation against the City should only be disqualified in connection with the litigation proceedings if there are valid commercial or business reasons for doing so. Disqualification should not be exercised as retaliation against a supplier for bringing a legitimate lawsuit against the City. In evaluating whether a litigious supplier should be disqualified, the City should consider the following qualitative factors in its analysis:

- Is there a connection between the type of work being procured and the current procurement opportunity?
- Is there a history of litigious conduct with the supplier and has that history resulted in increased costs to the City?
- What was the outcome of the litigation? For example, was it frivolous/vexatious or were damages awarded in favour of the supplier?
- Does the supplier's litigation with the City call into question the supplier's ability to provide the work or services that are the subject of the current procurement opportunity?

1.2 Failure to Honour a Proposal

If a supplier submits a proposal or submission in response to a City procurement opportunity and that supplier subsequently refuses to honour its submission or the pricing included in that submission, the City may consider disqualifying that supplier from participating in future procurement opportunities with the City. However, a supplier should not be disqualified if its failure to honour a proposal or submission was a legitimate withdrawal of that submission. Accordingly, the reason why a proponent did not honour its submission must be analyzed and considered in making a decision to disqualify that supplier. Factors that the City may consider in such analysis include, but should not be limited to, the following:

- If the City and the highest-ranked supplier in a procurement opportunity attempt to negotiate an agreement and for valid business reasons are unable to come to an agreement, that supplier should not be disqualified.
- If a proponent fails to honour its submitted pricing because of a change in market

conditions, the City should consider whether pricing fluctuations are common in the industry. If price increases are common, the City should consider whether the proponent should have factored this into their submitted pricing. For example, could the market conditions have been reasonably predicted within the industry?

- If a proponent does not honour its submission because it is too busy on other contracts at the time of award and the procurement opportunity was awarded according to the published timetable, the City should consider disqualifying that proponent because proponents should only submit proposals if they are capable of delivering the services.
- Other reasons for a proponent's failure to honour a submission or pricing should be reviewed contextually and fairly.

1.3 Failure to Disclose a Conflict of Interest in Connection with a City Procurement Opportunity

If a proponent fails to disclose a conflict of interest during a City procurement opportunity or during the performance of a contract with the City and the City subsequently discovers that such a conflict of interest exists, the City may disqualify that supplier from participating in future procurement opportunities after conducting an analysis based on the following factors:

- The nature of the conflict of interest, including whether it is a perceived or an actual conflict of interest and the materiality of the advantage that such a conflict may have given the supplier.
- Whether the supplier knowingly failed to disclose such a conflict of interest.
- The impact such a failure to disclose the conflict of interest had or may have on the City, including its reputation and the impact on its obligation to conduct a fair competitive procurement process.

1.4 Participation in Bidding Practices that are Sanctioned by Statute, including the Criminal Code or the Competition Act

If the City has reason to suspect that a proponent or proponents are engaged in bid-rigging, price-fixing, bribery or collusion or other behaviours or practices sanctioned by federal or provincial statutes in connection with a City procurement opportunity, the City should contact the appropriate authorities and provide such assistance as is required to support a subsequent investigation and, if applicable, prosecution. If a supplier is convicted of bid-rigging, price-fixing or collusion or other behaviours or practices sanctioned by federal and provincial statutes in connection with a City procurement or in connection with other public sector procurements, the City may disqualify that proponent for a minimum period of one year.

1.5 Unethical Bidding Practices

A proponent may engage in unethical bidding practices that do not amount to a criminal

or statutory offense, but such practices may still warrant disqualification from bidding on the City procurement opportunities. Examples of such unethical bidding practices include inappropriate offers of gifts to City employees from potential suppliers, misrepresentations in proposals and inappropriate in-process lobbying of or communications with City employees by proponents during a procurement process. The City must conduct a full review of the unethical practice in question and perform a contextual analysis to determine whether or not the proponent or supplier in question should be disqualified, including consideration as to the impact the unethical bidding practice had on the City's ability to run a fair procurement process.

1.6 Poor Performance

If a supplier performs poorly on an existing contract with the City, the City may consider disqualifying that supplier in the following circumstances:

- The contract was terminated for performance issues prior to expiry.
- There were un-rectified performance issues on a contract that resulted in extra costs to the City.
- The goods were defective and were not replaced or repaired or required multiple repairs.
- The City felt it was necessary to engage in litigation against the supplier in connection with issues related to the contract.
- The supplier received a performance rating of less than 50% on a contract with the City.
- The supplier received an average performance rating of less than 80% on three contracts with the City.

In order to disqualify a supplier for one of the contract performance-related issues set out above, the contract in question must have been effectively managed by the appropriate City staff. Effective management includes giving written notification to the supplier of performance issues and documenting the escalation of such performance issues. Further, the department must have conducted a performance evaluation at the end of the contract in accordance with the form and content prescribed by Finance. Such performance evaluations will rate factors such as adherence to the terms of the contract, quality of goods or services and responsiveness to City requests. Each supplier must be given a performance rating out of 100 points. Performance ratings of less than 80 points must be supported by appropriate communications and correspondence to the supplier outlining performance issues.

2.0 Disqualification Process

- 2.1** A proposal to disqualify a supplier must be supported by a written business case that contains all details connected with the analysis using the factors set out in Section 1.0 above.

- 2.2** The business case should also include the proposed length of the disqualification. A supplier may be disqualified for a period of up to five (5) years. The length of the disqualification period should be fair and proportional to the reasons for the disqualification and the full five-year suspension should only be applied in the most serious of disqualifications. A disqualification can either be a blanket disqualification or a disqualification to provide specific goods or services and the business case should clearly set out the scope of the disqualification.
- 2.3** All decisions to disqualify a supplier must be approved by the City manager, unless the City Manager was involved with the specific contract at issue, in which case the business case should be approved by the Treasurer. The decision-maker must consider the written business case, together with all documentation associated with the business case and the specific facts leading up to the proposed disqualification. The decision-maker should consider seeking external advice when appropriate. In addition, the decision-maker should consider seeking written representations from the supplier in question and factoring such written representations into the decision-making process where the documentation supporting the business case is unclear or where it is important to consider the suppliers' perspective on the particular matter.
- 2.4** If the disqualification business case has been approved, the Municipal Clerk should write to the supplier in question informing that supplier that it is disqualified from submitting proposals or responses in respect of the City procurement opportunities for the prescribed time period. The notification letter should contain:
- Full details as to the reasons for the disqualification, including copies of any documents or correspondence to support such a disqualification.
 - The length of the disqualification period and the scope, if applicable.
 - The supplier's right to re-apply for eligibility within the prescribed time period and the process for requesting such a re-application.

3.0 Review of Disqualification

A disqualified supplier may apply to be re-eligible to submit proposals or submissions to the City procurement opportunities upon the completion of half of the original disqualification period. For example, if the original disqualification period was two (2) years, the supplier may apply for review of the disqualification after one year. In order to apply to be re-eligible, the supplier must submit a written case for re-instatement, including supporting documentation if necessary, that provides reasons why the original reason for the disqualification would no longer prove a risk for the City.

Applications for review of eligibility are to be reviewed by the City Manager. If the City Manager is convinced that the reasons for the original disqualification will no longer present risk for the City should it do business again with the supplier in questions, then the City Manager may re-instate the supplier.

4.0 Disqualification List

The City Clerk's department shall maintain a list of all disqualified suppliers. The list should contain the full name of the supplier, the reasons for the suspension, the file number where the business case for the disqualification is filed, the length of the disqualification period and the date of the expiry of the disqualification period. Review of the disqualification list against a list of proponents or respondents should be conducted for each procurement to ensure that disqualified suppliers are not allowed to continue in the process.