



**PROCUREMENT POLICY
NO. 2013-02**

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POLICY No. 2013-02

Procurement Policy

Originating Department CS-SS-01-2013

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PURPOSE:

This policy outlines the guiding principles of public procurement and the approach that all Haldimand County departments and its local boards will take when procuring goods, services or construction.

The goals of this policy are:

- a. To promote and maintain the integrity of the procurement process;
- b. To obtain the Best Value by ensuring quality, efficiency and effectiveness.

In order to achieve these goals, the County shall:

- a. Encourage competition amongst Suppliers by using open, transparent and fair processes;
- b. Provide clear direction and accountabilities, thus protecting Council, Suppliers and staff;
- c. Consider accessibility tools and functionality for persons with disabilities when procuring goods, services or construction;
- d. Be environmentally conscious when procuring goods, services or construction;
- e. Where beneficial, cooperate with other public agencies in order to obtain the best possible value;
- f. Standardize processes; and
- g. Ensure ethical purchasing practices are used by all Council members and employees of Haldimand County, based on the following Code of Ethics:
 - Open and honest dealings with everyone who is involved in the purchasing process.
 - Fair and impartial award recommendations.

- An irreproachable standard of integrity and an appropriate level of due diligence on the part of all persons involved in the procurement process.

1.00 DEFINITIONS

In this policy, unless a contrary intention appears:

“Agreement” means a written document between the County and another party upon legal consideration for the procurement of goods, services or construction pursuant to this policy. Also called “Contract”;

“Agreement to Bond” means a letter or other form issued by a bonding agency licensed to operate by the Government of Canada or the Province of Ontario advising that, if the Bidder is successful, the bonding agency will issue the required bonds;

“Award” means the acknowledgement of the authority to proceed to commit to an external Supplier(s) for acquisition of goods, services or construction. An Award can only be made after the relevant bid award form is signed or the Council resolution is ratified;

“Best Value” means the optimal balance of performance and cost determined in accordance with a pre-defined evaluation plan which may include a cost/benefit analysis to define the best combinations of quality, service, time, and cost considerations over the useful life of the acquired item or for the immediate level of expected service and deliverable;

“Bid” means an offer, submission or proposal received from a Bidder in response to a procurement process, which may be subject to acceptance or rejection;

“Bid Deposit” means bank drafts, certified cheques, money orders, or bond surety issued by a surety company or other form of negotiable instrument to ensure the Successful Bidder will enter into a contract;

“Bidder” means one who may or has submitted a response to an invitation to bid as issued by the County;

“Bid Protest” means a dispute raised against the methods employed or decisions made by a representative of the County in the administration of a bid document or bid process;

“Blackout Period” means the period between the closing of a response to a call for bids and the time the Contract Award has been approved by Bid Award Form or Council resolution;

“Blanket Order Contract” means any contract for the supply of regularly purchased goods and services where the exact quantity of goods and services required is determined on an as needed basis;

“C.A.O.” means the Chief Administrative Officer of the Corporation of Haldimand County, or their designate;

“Certificate of Clearance” means a certificate issued by an authorized official of the Workplace Safety and Insurance Board (WSIB) in compliance with the Workplace Safety and Insurance Act, 1997, specifically Part XII, 141. (10) as amended;

“Competitive Bidding Process” means a process for procurement of goods, services or construction whereby a prescribed method is used to solicit three or more bids or proposals.

“Conflict of Interest” in respect of any matter dealt within this policy means a situation in which financial or other personal considerations have the potential to compromise or bias professional judgement and objectivity. An apparent conflict of interest is one in which a reasonable person would think that the professional judgement is likely to be compromised or there is the potential for unfair financial gain;

“Construction” means new construction, reconstruction, demolition, repair or renovation of a building, structure, or other civil engineering or architectural work and includes site preparation, excavation, drilling, seismic investigation, the supply of products, materials, equipment and machinery, if they are included in and incidental to the construction, and the installation and repair of fixtures of a building, structure or other civil engineering or architectural work, but does not include professional consulting services related to the construction contract unless they are included in the procurement;

“Consultant” means a person or entity that provides expert or strategic advice and/or services including but not limited to architecture, engineering, environmental, planning or other disciplines;

“Contract” means a written document between the County and another party upon consideration for the procurement of goods, services or construction pursuant to this policy. Also called “Agreement”;

“Council” means the municipal Council for the Corporation of Haldimand County;

“County” means the Corporation of Haldimand County;

“Delegated Authority” means the Council-approved legal right to conduct the tasks outlined in this policy;

“Direct Purchase” means a non-competitive process whereby a person or entity is sought to supply goods, services or construction.

“Execute” in relation to any document developed pursuant to this policy means to sign by the authorized officers of the parties, and “Executed” has a corresponding meaning;

“General Manager” means the head of a department, including that of a Director, operating within Haldimand County being Community Services, Corporate Services, Public Works or Planning and Economic Development, or their designate;

“Goods” means commodities or wares purchased other than services or real property to carry out the operations of a division;

“In House Bid” means a bid from an internal staff-working group, comprised of one or more persons, which competes with external entities for procurement opportunities;

“Insurance Documents” means documents issued by an insurance company licensed to operate by the Government of Canada or the Province of Ontario certifying that the Bidder is insured in accordance with the County’s insurance requirements as contained in the bid documents;

“Irregularities Contained in Bids” is defined in Schedule “B” and includes the appropriate response to those irregularities;

“Labour and Material Bond” means a bond issued by a surety company licensed to operate in the Province of Ontario to ensure that the contractor will pay his or her direct subcontractors and/or suppliers for labour and materials to protect the Corporation against liability to the contractor’s direct subcontractor and suppliers should the Contractor not make proper payments;

“Liquidated Damages” means the monetary damages that a party must pay as a result of a breach of a contractual obligation resulting in a loss or additional costs that will be incurred by the other party. Application of Liquidated Damages is not intended to be, nor is it to be interpreted as, a penalty.

“Maintenance Bond” means a bond issued by a surety company licensed to operate in the Province of Ontario to guarantee against any possible defects (on contractor work) after the completion of a contract for a specified period of time;

“Manager” means the head of a division within Haldimand County who is responsible for the procurement processes of their respective division, or their designate;

“Manager of Support Services” means the head of the Support Services Division within Haldimand County, or their designate;

“Performance Bond” means a bond issued by a surety company licensed to operate in the Province of Ontario to guarantee that the contractor will carry out the work in accordance with the terms of the contract;

“Price Per Point Methodology” means, in a subsequent stage of evaluation of the RFP process, the price of each qualified proposal is divided by the total of their respective technical points received, to calculate the Price Per Point of the proposal;

“Procurement” means the purchasing, renting, leasing, or otherwise acquiring of supplies, services, or construction; includes all functions that pertain to the acquisition, including description of requirements, selection and solicitation of sources, preparation and award of contract; and all phases of contract administration such as inventory control, receiving, inspection (all as applicable); and disposal.

“Purchase Order” means the purchasing document used to formalize a purchasing transaction with a Supplier;

“Request for Expression of Interest (RFEI)” means a focused market research tool used to determine Supplier interest in a proposed procurement or to gather general Supplier service or product information. Suppliers are provided with a general or preliminary description of a problem or need and are requested to provide information or advice on how to better define the problem or need or alternative solutions or to determine the level of interest from various potential bidders;

“Request for Pre-qualification (RF PQ)” means a solicitation for details on Suppliers’ backgrounds, capabilities and resources, and the goods or services they are offering, in order to pre-select Suppliers to be invited to submit bids on a subsequent competition;

“Request for Proposal (RFP)” means a process where a need is identified, but the method by which it will be achieved is unknown at the outset. This process allows Suppliers or Consultants to propose solutions or methods to arrive at the desired result and each proposal is evaluated based on defined criteria whereby price is not the only factor;

“Request for Quotation (RFQ)” means a request for prices on specific goods and services obtained informally from selected sources, which is submitted in writing as per the terms of the bid document;

“Request for Roster Candidates (RFRC)” means a process for obtaining a list of pre-qualified Consultants, categorized by field of expertise, which is utilized to select a Consultant to provide services to the County based on a pre-disclosed list of projects for a specified time period;

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

“Roster” means a list of pre-qualified Vendors categorized by area of expertise and determined using a Request for Roster Candidates process.

“Roster Captain” means the Manager of Support Services who is responsible for the administration of the Request for Roster Candidates and the subsequent Roster Category List.

“Sealed Bid” means a formal sealed submission received in response to a request for bids;

“Senior Management Team (SMT)” means the group of staff consisting of the General Managers and the C.A.O. of Haldimand County;

“Services” means any professional or general service work performed but is not solely the delivery of goods or materials;

“Single Sourcing” means a non-competitive procurement method for goods or services from a Supplier in situations when more than one source is available;

“Sole Sourcing” means a non-competitive procurement method for goods or services when there is only one available Supplier of the required goods or services;

“Successful Bidder” means a Bidder who has met or exceeded the minimum requirements of the bid document in its entirety as determined by Haldimand County in its absolute discretion and to whom award is recommended pending the necessary internal approvals;

“Supplier” means a party that supplies goods, services or construction to Haldimand County. Also called “Vendor”;

“Total Life-Cycle Cost” means the total cost of ownership including items such as the purchase price, implementation fees, upgrades, maintenance contracts, support contracts, licence fees and disposal costs;

“Treasurer” means the head of the Finance Division in Haldimand County, or their designate;

“Two-envelope Approach” means a process in which a bid is submitted in two sealed envelopes. The technical and qualitative information is submitted in the first envelope and the price information is provided in the second envelope. The second envelope is only opened if the first envelope shows the Bidder to be qualified, compliant and meeting the minimum evaluation rating if so established;

“Unsolicited Proposal” means submission from any source whereby a User Division believes that the proposal may be of benefit to the County and the information has not been submitted in response to a bid call;

“User Division” means the division within Haldimand County that requires the goods, services or construction and for which the Manager or their designate is the contact for the purpose of the procurement process;

“Vendor” means a party that supplies goods, services or construction to Haldimand County. Also called “Supplier”.

2.00 GENERAL

- a. The Manager of Support Services will administer this policy.

- b. Any question involving the meaning or application of this policy shall be submitted to the Manager of Support Services who will resolve the question.
- c. No contract or purchase shall be divided to avoid any requirements of this policy.
- d. User Divisions shall initiate purchases for unique User Division requirements to ensure that purchases are not duplicated in other Divisions. When corporate purchasing power is a factor, a corporate contract shall be sought.
- e. Notwithstanding the provisions of this policy, every bid document issued by the County shall contain a provision that the County shall have the right to reject the lowest or any bid at its absolute discretion, and that the County also reserves the right to reissue the bid document in its original form, without penalty.

3.00 AUTHORIZATIONS

3.01 Authority to Authorize Procurement Processes

Haldimand County Council has ultimate authority for all expenditures. Council provides the authority to staff for the initiation and completion of procurement processes for goods, services and construction through the authorization of annual budgets or resolution.

3.02 Authority to Award

- a. The authority to Award is hereby expressly delegated to staff for all procurement related to operations and capital works that have been approved in the annual budgets, with the following exceptions:
 - i. Any Contract requiring approval from the Ontario Municipal Board;
 - ii. Any Contract prescribed by Statute to be made by Council;
 - iii. Any Contract where the Awarded bid price is outside of the parameters set out in Section 3.03 or anticipated to be outside of such parameters;
 - iv. Any contract where the award is not being recommended to the lowest bidder or the lowest Price Per Point proposal;
 - v. In the case of a revenue generating proposal, where the net revenue amount proposed for acceptance is lower than the Council approved budget and cannot be offset within the existing operating budget without changing the budgeted levels of service;
 - vi. Any contract anticipated to be financed by debentures; or
 - vii. Where Council direction has been provided to have Council make the Award directly.

- b. Schedule "A", attached to and forming part of this policy, outlines the levels of delegated authority for Award of Bids for the procurement of Goods, Services and Construction on behalf of the County.

3.03 Authority to Reallocate Approved Budget Funds

- a. To ensure proper expenditure management and budget accountability, each Manager is responsible for ensuring that all purchases remain within the Division's approved operating budget or approved capital project budget, unless otherwise provided for in this policy.
- b. Reallocation of funds between Operating Budgets and Capital Budgets is not permitted under any circumstances.
- c. In order to allow purchases to proceed which exceed the approved budget, a Manager shall have the authority to reallocate funds, without exceeding the aggregate budget within their control, under the following conditions:

Operating Budget

- i. The shortfall for the purchase of the good or service is less than \$20,000;
- ii. All changes must be one-time and shall not affect the base budget;
- iii. Reallocations may only occur within or between supplies and services accounts;
- iv. General scope of work or service delivery method cannot be changed;
- v. The funding source must be the same for all accounts affected by the reallocation.

Capital Budget

- i. The shortfall cannot exceed 20% of the project budget to a maximum of \$75,000;
 - ii. General scope of work or service delivery method cannot be changed;
 - iii. If reallocating funds from a capital project/component, the capital project/component in which funds are being transferred from must already be an Awarded project/component;
 - iv. Revised Bid Award Form must be completed when funds are reallocated;
 - v. The funding source must be the same for all accounts affected by the reallocation.
- d. All other budget over-runs must be approved by Council before Award is made.
 - e. Managers shall have the authority to accept grants or donations under the following conditions:
 - i. The grant/donation has a \$0 impact on the net levy and gross expenditures do not exceed \$75,000;
 - ii. The grant/donation is one-time and covers 100% of the cost of purchase;

- iii. There are no ongoing or future additional operating or replacement costs, or future operating or replacement costs have been previously approved by Council;
- iv. The grant does not increase staff hours or require the hiring of additional staff;
- v. The receipt of the grant/donation and the associated expenditure must be posted to the General Ledger.

3.04 Authority for Payment

Authorization limits for payment are outlined on Schedule "A", attached to, and forming part of, this policy.

3.05 Calls for Bids Before and After Budget Approvals Received

- a. Following the adoption of the current annual operating and capital budgets, and when required, the receipt of any necessary approvals from other federal, provincial or municipal agencies, a Managers is authorized to use the appropriate procurement method for Goods, Services and Construction.
- b. Notwithstanding section 3.05(a), a Manager may use the appropriate procurement method for purchasing Goods, Services and Construction prior to the adoption of the annual operating and capital budgets by Council, and before the receipt of necessary approvals from other federal, provincial or municipal agencies, provided the procurement documents specifically state that the Award is subject to receipt of such approvals.

4.00 PROCUREMENT METHODS

- a. All purchases of Goods, Services or Construction shall be undertaken utilizing one of the following methods of procurement, using approved standardized documents.
- b. All values listed below include the net tax payable by the County. Trade-in values are not to be considered when determining the value for method of procurement.

4.01 Informal Processes

Informal processes shall include Direct Purchase or Request for Quotation.

All informal processes shall be advertised in accordance with Section 7.00.

a. Direct Purchase

Direct Purchase may be used when:

- the dollar value of the item is equal to or less than \$20,000; and
- the item is not covered under a Blanket Order Contract.

- i. Staff are authorized to use a direct purchase method for making purchases from Suppliers and upon such terms and conditions as their Manager deems appropriate.
- ii. Direct purchase should be made using one of the following methods and in accordance with the policies associated with each:
 - a Purchase Order, if available
 - a corporate credit card in compliance with the Purchasing Card Policy
 - a pre-arranged method whereby the Supplier has agreed to invoice the County, including that of established house accounts
 - petty cash
 - personal funds reimbursed through the County's Expense Reimbursement Policy.

b. Request for Quotation (RFQ)

Request for Quotation procedures will be used when:

- the cost of the item is greater than \$20,000 but equal to or less than \$75,000;
- the ability exists to detail exactly what is being purchased; and
- Best Value for the County can be achieved by an award made on the basis of the lowest compliant bid that meets the minimum specifications.

- i. A competitive process is undertaken whereby a minimum of 3 written quotes are sought, and the lowest compliant bid is awarded. Although a minimum of 3 written quotes is sought, an open process without a minimum number of bids will be more competitive, and is encouraged.
- ii. RFQ submissions may be received in an informal manner including email, fax, mail, or in person, and may be received directly by the User Division.

4.02 Formal Processes

Formal processes shall include Request for Tender or Request for Proposal.

All formal processes shall be advertised in accordance with Section 7.00.

a. Request for Tender (RFT)

RFT procedures shall be used when:

- the cost of the item is greater than \$75,000;
- the ability exists to detail exactly what is being purchased; and
- Best Value for the County can be achieved by an Award made on the basis of the lowest compliant bid that meets the minimum specifications.

- i. All bids will be received by the Manager of Support Services in the form of a Sealed Bid, placed in a secure location and remain unopened until after the specified closing time.

- ii. The Manager of Support Services shall review the bids at a public opening to ensure minimum requirements at closing, as specified in the bid document, have been met. Those bids meeting minimum requirements at time of opening shall have the bidders name and amount read and recorded. Subsequent to the public opening, the User Division will conduct a full review of the bids to verify compliance with all specifications and that extended totals are correct.
- iii. Unsuccessful Bidders may, upon their request of a debriefing, meet with the User Division Manager and/or the Manager of Support Services to review their bid submission. Discussions relating to any bid submissions other than that of the proponent present will be strictly prohibited.

b. Request for Proposal (RFP)

RFP procedures shall be used when:

- the requirement is best described in a general performance specification;
 - solutions for the delivery of complex Goods, Services or Construction are required;
 - innovative solutions are sought; and,
 - Best Value for the County can be achieved by an Award selection being made based on a fully disclosed evaluation method involving a combination of mandatory and desirable requirements.
- i. The RFP method of purchase is a competitive method of purchase that may result in further negotiation with the short-listed and/or lowest price per point Bidder prior to an Award being made.
 - ii. Terms of Reference for RFP's that will have a long-term or large scale, community wide impact, or where community input may be sought (i.e. studies, master plans or other projects leading to policy development) will be reported to Council prior to being issued.
 - iii. All RFPs shall disclose the evaluation criteria, process and methodology to be used in assessing submissions. The RFP shall also identify those criteria which are mandatory and any technical standards that need to be met.
 - iv. A Two-Envelope Approach shall be used for RFP's and a Price Per Point Methodology shall be used to evaluate RFP submissions. Any deviation from these requirements must be pre-approved by the appropriate General Manager.
 - v. All RFP's will be received by the Manager of Support Services in a Sealed Bid format, placed in a secure location and remain unopened until after the specified closing time.
 - vi. The name of the Bidders submitting responses to the RFP will be read out at the public opening. Details of the proposal and financial information will not be publicly disclosed at the opening.

- vii. An Evaluation Committee, composed of a minimum of two County representatives, shall review all compliant proposals against the criteria as outlined in the RFP to determine ratings.
- viii. If approved by the General Manager, a Best and Final Offer approach may be incorporated into the RFP process. The BAFO approach must be clearly outlined in the bid document to ensure all bidders are aware of the process to be used in selecting a preferred bidder.
- ix. Unsuccessful Bidders may, upon their request of a debriefing, meet with the User Division Manager and/or the Manager of Support Services to review their bid submission. Discussions relating to any bid submissions other than that of the proponent present will be strictly prohibited.
- x. For revenue generating opportunities, an RFP may be used but is not required. If a RFP process is used for revenue generating opportunities, terminology and formulas will be inverted accordingly to determine the highest Revenue Per Point.

4.03 Other Processes

a. Blanket Order Contracts

Blanket Order Contracts occur as a result of a previous competitive bid, which establishes the successful Bidder as the preferred source for Goods or Services, over a specified term.

- i. A Blanket Order Contract may be used where:
 - one or more Divisions repetitively order the same Goods or Services and the actual demand is not known in advance;
 - a need is anticipated for a range of Goods and Services for a specific purpose, but the actual demand is not known at the outset, and delivery is to be made when a requirement arises; or
 - it is beneficial for the municipality to enter into a multi-year contract for Goods or Services to provide efficiencies or economies of scale and continuity of a deliverable.
- ii. To establish prices and select sources, a Manager shall employ a procurement method contained in this Policy for the acquisition of Goods, Services or Construction.
- iii. The Blanket Order Contract shall contain corporate standard language provided by the Manager of Support Services. The User Division shall maintain each contract in accordance with its terms and conditions. Blanket Order Contracts should define source and price or percentage discount with the selected Supplier(s) for all frequently used Goods or Services.

- iv. More than one Supplier may be selected when it is in the best interest of the County and the Bid solicitation process allows for more than one awarded Supplier.
- v. Purchasing action initiated by a Division for frequently used goods or services shall be made with the Supplier(s) listed in the Blanket Order Contract.
- vi. The bid documents shall list the expected quantity of the specified goods or services to be purchased over the time period of the agreement and will be as accurate an estimate as practical and be based, to the extent possible, on previous usage adjusted for any known factors that may change usage.

b. Rosters

A Roster is the result of a Request for Roster Candidates process, which pre-qualifies Consultants to be placed on a list where they will be provided an opportunity to perform certain work for the County as it becomes available. Rosters should only be used by Divisions who have frequent requirements that are similar in nature over a course of one to three years.

- i. Rosters may only be used to obtain Consultants.
- ii. Once Consultants have been selected through the pre-qualification method outlined in Section 4.03 (f), the qualified Consultants are placed on the Roster according to their applicable categorized field of expertise (ie; water & wastewater; roads; bridges; etc), and as defined within the Request for Roster Candidate document. The number of Consultants placed on a Roster should reasonably reflect the County's requirements over a period of three years.
- iii. When services are required, the Roster for the appropriate categorized field of expertise is utilized to select the Consultant. The User Division shall provide the Consultant(s) with a detailed scope of work and deliverables. The Consultant(s) shall provide the User Division with a project schedule for deliverables, resource list, pricing, etc., as requested by the User Division. The User Division shall review all documentation to determine which Consultant is providing the best value, ensuring the proposal will meet the budget, schedule and intent of the work requirements. The User Division is permitted to negotiate with the Best Value Bidder, as required, to bring the project within budget without changing the scope of work and deliverables. If the User Division is unable to successfully negotiate to their satisfaction, the User Division shall proceed to another Consultant on the appropriate category Roster.
- iv. For corporate consistency, the Manager of Support Services shall be Roster Captain and shall ensure that all Awards follow the intent of the Request for Roster Candidate document. The User Division, in accordance with the goals and objectives

of this policy, shall provide all documentation required to engage the Consultant for each project.

- v. A Roster will be valid for a period no longer than three years from the date it was established, at which time a competitive bidding process will be conducted to re-establish the Roster.
- vi. Purchases awarded to a Consultant on a Roster shall not exceed \$100,000 per project, including applicable net taxes, and a Bid Award Form must be completed for each Award.

c. In House Bidding

Haldimand County will not consider In House Bids for goods, services or construction.

d. Unsolicited Proposals

Unsolicited proposals must be in writing, detailing information on a product or service that may provide the County with significant value and/or savings. Unsolicited proposals may be accepted and a contract entered into for a maximum of one year, without a competitive bid process, providing the total annual expenditure is less than \$75,000.

e. Cooperative Purchasing

Haldimand County will participate in any cooperative purchasing initiative, including the Vendor of Record Agreements provided by the Ontario Supply Chain Management, that provides economies of scale and is deemed beneficial to the County. The policy of the public authority calling the cooperative Bid opportunity is to be the accepted policy for that particular purchase, unless additional terms specific to the County are negotiated with the Successful Bidder.

f. Request for Pre-qualification (RFPQ)

- i. A RFPQ may be issued to pre-qualify Vendors for various projects or purchases. The purpose of a RFPQ is to determine whether the qualifications of a Bidder, as required by the County, are acceptable in order to allow participation in a subsequent bidding opportunity that takes place as a direct result of the Request for Pre-qualification.
- ii. A Vendor may be pre-qualified by providing an acceptable response to a Request for Pre-Qualification or a Request for Roster Candidates. Selection of pre-qualified vendors will be based on fully disclosed evaluation criteria, which may include: experience from similar work; verification of applicable licenses and certificates; and financial capability.

- iii. As a result of pre-qualification, the County will only allow those pre-qualified Vendors to participate in the bidding process for the scope of work and/or services as specified in the RFPQ or RFRC document.
- iv. Pre-qualification may be done: on a project specific basis; for a group of projects that are similar in scope for which the same category of Supplier would be utilized; or for Roster development.

g. Request for Expression of Interest (RFEI)

Requests for Expression of Interest are used to assess Supplier capabilities, or to conduct market research, without the intention of evaluating the responses or awarding a contract. A RFEI may not be used to pre-qualify a potential Supplier and must not influence their chances of being a Successful Bidder on any subsequent purchasing opportunity. The information received may be used for the purposes of developing future documents for a subsequent competitive process.

h. Sole and Single Sourcing

- i. Sole Sourcing is a method of procurement whereby a purchase is made without a competitive bidding process due to the fact that the Supplier is the only source of supply for the required goods or services. Sole Sourcing will be permitted if one or more of the following circumstances apply:
 - A Supplier has a patent on the required product, thus creating a monopoly market;
 - Where there is an absence of competition for technical reasons and the goods or services can be supplied only by a particular Supplier and no alternative or substitute exists;
 - For a Contract to be awarded to the winner of a design contest;
 - For the purchase of original works of art;
 - For the procurement of subscriptions to newspapers, magazines or other periodicals.
- ii. Single Sourcing is a method of Procurement whereby there is more than one Vendor able to supply the required Goods or Services but the purchase is made without a competitive bidding process. Single Sourcing will be permitted if one or more of the following circumstances apply:
 - The purchase is in accordance with Section 4.01(a);
 - The supply involves an emergency purchase as outlined in Section 4.03 (k);
 - Disclosure of information in an open competition would breach some duty of confidentiality or compromise security;
 - In the absence of receipt of any bids in response to an open call for competitive bids.
 - The supply relates to compatibility with existing products or to specialized products that must be maintained by the manufacturer or its representatives;

- For work to be performed by a Contractor according to provisions for a warranty or guarantee held in respect of the property or the original work.
- iii. The use of Sole or Single Sourcing exceeding \$20,000 must be reported, including the reason, to the Manager of Support Services for semi-annual reporting purposes.
 - iv. In order for a Division to sole or single source for goods or services for reasons other than those outlined above, an operating strategy must be presented and approved by Council, outlining the rationale. Input must be sought from the Manager of Support Services to ensure the purchasing principles in this policy are taken into consideration.
- i. Non-Competitive Purchases/Exemptions to Competitive Bidding**

Competitive bid solicitation is not required for items outlined in Schedule “C”.

j. Negotiation

- i. Negotiation may only be used under the following circumstances:
 - those outlined in Sections 4.03 (b), (d), (h) and (i);
 - with respect to RFPs, RFTs and RFQs, the County may enter into negotiations with the lowest Price Per Point bidder or the lowest compliant Bidder, respectively, if the bid price exceeds the budgeted amount for the project. Should the County be unable to reach an agreement with the lowest compliant Bidder, the County reserves the right to enter into negotiations with the second lowest Price Per Point Bidder or the next lowest compliant Bidder, to cancel the bid opportunity or to present a report to Council as per Section 3.00, whichever is deemed to be in the best interest of the County.
- ii. The scope of work, level of service, and deliverables cannot be changed from the minimum requirements listed in the bid document.
- iii. The Manager of Support Services shall be involved in all negotiations.

k. Procurement in Emergencies

- i. Failure to plan and allow sufficient time for a competitive procurement process does not constitute an unforeseeable or emergency situation.

“Emergency” includes:

- a. an imminent or actual danger to the life, health or safety of the public;
- b. an imminent or actual danger to the life, health or safety of an official or an employee while acting on the County’s behalf;
- c. an imminent or actual danger of damage to or destruction of real or personal property belonging to the County or public if the damage or destruction is a result of County function or responsibility;

- d. an unexpected interruption of an essential public service, including an emergency as defined by the Emergency Management and Civil Protection Act as amended or the Haldimand County Emergency Response Plan;
 - e. a spill of a pollutant as contemplated by the Environmental Protection Act as amended;
 - f. When an urgent procurement is necessary for fulfilling a statutory order issued by a federal, provincial or regulatory authority and timing of the order does not allow for competitive bidding (i.e. compliance order).
- ii. Where, in the opinion of the applicable General Manager, an emergency has occurred:
- a. non competitive procurement, single sourcing or negotiation methods may be utilized;
 - b. a Purchase Order in excess of the preauthorized expenditure limit may be issued; and
 - c. the User Division shall submit a memorandum to Council outlining the purchase and the conditions that constituted an emergency, together with a source of funding, prior to the end of the quarter in which the emergency procurement took place. If Council approval for the funding source is required, the User Division shall submit the above information in the form of a Council report.

5.00 RISK MANAGEMENT

5.01 Bid Deposits

- a. The Manager of Support Services, in consultation with the User Division, will determine whether a Bid Deposit will be part of the bid submission requirements.
- b. The amount of the Bid Deposit, if required, will be reflective of the project budget, while offering adequate protection to the County in case of default by the Bidder, and will not be less than 5% of the estimated budget for the Goods, Services or Construction being purchased.
- c. Bid Deposits will be provided in one of the following methods and will be clearly specified in the bid document:
 - i. Certified cheque made payable to the Corporation of Haldimand County
 - ii. Bank draft made payable to the Corporation of Haldimand County
 - iii. Money order made payable to the Corporation of Haldimand County
 - iv. A Bid Bond or an Agreement to Bond, issued by a bonding agency currently licensed to operate in the Province of Ontario, naming the Corporation of Haldimand County as the Obligee.
 - v. An irrevocable and unconditional letter of credit, naming the Corporation of Haldimand County as the beneficiary

- d. Bid Bonds and Agreements to Bond must be irrevocable for a minimum of sixty (60) days but can be requested to remain irrevocable for a longer period at the discretion of the User Division.
- e. The County will not pay interest on any Bid Deposits.
- f. All Bid Deposits must be original, signed documentation. Photocopies and facsimiles are not acceptable. Electronic bid bonds may be accepted providing the bid document terms and conditions specify the acceptance and format of such.
- g. The County is authorized to cash and deposit any Bid Deposit in the County's possession that is:
 - i. forfeited as a result of non-compliance with any of the terms, conditions; or
 - ii. being held as financial security on a project.
- h. Bid documentation issued by the County shall include the information contained in 5.01 (c) through (g).

5.02 Other Financial Guarantees

- a. The appropriate financial means to guarantee execution and performance of the Contract shall be selected. Means may include one or more of, but are not limited to: financial bonds or other forms of security deposits; provisions for liquidated damages; progress payments; and holdbacks.
- b. Bidders may be required to provide the following additional bonding:
 - i. Performance Bond, to guarantee the faithful performance of the Contract;
 - ii. Labour and Material Payment Bond to guarantee the payment for labour and materials that are supplied from the Contractor's direct Suppliers and subcontractors in connection with the contract;
 - iii. Maintenance Bond to guarantee the fulfillment of the Contractor's obligation under the warranty clause of the Contract.

Such bonds shall be a minimum of 50% of the Bid amount unless otherwise approved by the Manager of Support Services.

- c. The financial guarantee method selected will:
 - i. not be excessive but sufficient to cover financial risks to the County,
 - ii. provide flexibility in applying leverage on a Supplier so that the penalty is proportional to the deficiencies, and
 - iii. comply with provincial statutes and regulations.
- d. Holdbacks
 - i. As stipulated by the Construction Lien Act as amended, the County shall retain a holdback equal to ten (10) percent of the price of the goods or services as they

- are supplied under the awarded contract for all contracts with a value of \$500,000 or greater.
- ii. Additional holdbacks may be permitted in consultation with the Treasurer or in compliance with any other County policy as applicable.
- e. Release of holdbacks is subject to applicable lien checks and review of other outstanding financial obligations of the Supplier. Prior to providing notice to release the holdback, the User Division Manager must ensure:
- i. Work has been completed in compliance with the Awarded Bid;
 - ii. Receipt of clearance from the WSIB for any arrears and assessment;
 - iii. Receipt of a Statutory Declaration of progress payment distribution by the contractor; and
 - iv. All requirements of the Construction Lien Act as amended have been satisfied.
- f. Liquidated Damages
- i. Standardized industry acceptable language related to Liquidated Damages shall be incorporated into the Bid Document where applicable.
 - ii. The User Division Manager shall ensure that Liquidated Damages, as outlined in the Bid Document, adequately covers costs that may be imposed on the County for associated work.

5.03 Insurance

- a. When required, evidence of insurance coverage satisfactory to the Manager of Support Services must be obtained from the Bidder's insurance agent or broker. Such insurance must indemnify Haldimand County from any and all claims, demands, losses, costs or damages resulting from the performance of a Supplier's obligations under the Contract.
- b. The appropriate insurance coverage shall be determined by the Manager of Support Services, in consultation with the User Division, ensuring an adequate level of protection to the County. In the event of a large project, the Manager of Support Services may recommend a higher insured value or a different coverage requirement to meet the needs of the specific project and must name Haldimand County as an additional insured.
- c. The standard insurance minimums shall be as follows and as applicable to the scope of work:
 - i. \$2 million – general liability policy
 - ii. \$2 million – automobile liability policy
 - iii. \$5 million – general liability policy
 - iv. \$5 million – automobile liability policy
 - v. \$2 million – professional errors and omissions liability
 - vi. Builder's Risk – the amount of the project cost
- d. The type and value of the insurance coverage will be relevant to the goods, services or construction being purchased.

- e. All bid documents must indicate the insurance requirements to be provided by the successful Bidder.
- f. Prior to execution of a contract, or prior to any work commencing where a contract is not required, the Vendor must supply a Certificate of Insurance confirming the required coverages to the User Division, which will forward it to the Support Services Division.
- g. The Successful Bidder is required to keep the insurance coverage in force throughout the course of the Work or executed Contract and will not allow the policy to lapse or change without attempting to provide thirty days written notice to the Support Services Division.

5.04 Workplace Safety Insurance Board (WSIB)

The Successful Bidder is required to supply the County with appropriate documentation, at the discretion of the Manager of Support Services, prior to any work commencing and throughout the Contract.

5.05 Exclusion of Bidders in Litigation

- a. The County may, in its absolute discretion, reject a bid or proposal submitted by the Bidder prior to or after a bid opening, if the Bidder:
 - i. is a party to litigation with the County; or
 - ii. directly or indirectly, including by common ownership or control or otherwise, is related to a party to litigation with the County; or
 - iii. intends to use a sub-contractor in respect of the specific project who is a party to litigation with the County, or, who, directly or indirectly, including by common ownership or control or otherwise, is related to a party to litigation with the County.
- b. For the purposes of this section, the phrase “party to litigation with the County” includes cases in which the Bidder or prospective Bidder or any of the parties named above, have advised the County in writing of their intention to commence litigation, or have commenced or have advised the County of their intention to commence an arbitral proceeding against the County.
- c. Bids from any Bidder in any of the above circumstances shall be rejected as informal, irregular and non-compliant.
- d. In determining whether or not to reject a bid under this section, the County will consider whether the litigation is likely to affect the Bidder’s ability to work with the County, its consultants and representatives, and whether the County’s experience with the Bidder in the matter giving rise to the litigation indicates that the County is likely to incur increased staff or legal costs in the administration of the Contract if it is awarded to the Bidder.

- e. All bid documents issued by the County pursuant to this policy shall contain a statement to the effect described in 5.05(a), (b) and (c) above.

5.06 Contract Management & Vendor Performance/Suspension

- a. It is the responsibility of the applicable User Division to manage the Contract, including vendor performance. Contract management shall include monitoring, documentation and communication.
- b. The contract administrator may utilize a performance evaluation process in Contracts where appropriate for the type, size and/or complexity of the project.
- c. Where a performance evaluation form is to be utilized, the evaluation form may be included with the competitive bid documentation.
- d. The Manager of Support Services and the relevant User Division, in consultation with the County Solicitor if required, may suspend the rights of any Vendor to bid on any request for bids in any case where the prior performance of the Vendor has been documented to be unsatisfactory. Unsatisfactory performance includes, but is not limited to, a failure to meet contract specifications, terms and conditions, or health and safety violations.
- e. The bidding rights of a Vendor shall not be suspended for more than a 3 year period. Upon the expiry date of the suspension period, as specified in the written notice, the Vendor will be placed on a one year probationary period whereby performance will be monitored to determine if future suspension or probationary periods are required.

5.07 Conflict of Interest

- a. It is the responsibility of all staff or Council members, involved in bid solicitation or evaluation, to disclose any inherent or potential Conflict of Interest to their Manager or General Manager, or in the case of a Member of Council, to the C.A.O.
- b. Any staff or Council member disclosing a Conflict of Interest shall remove himself from the associated procurement process.
- c. Staff with a financial interest in a business must follow the Code of Conduct Policy.

5.08 No Local Preference

In accordance with the Discriminatory Business Practices Act as amended, there shall be no local preference given to any Bidder when awarding a Bid for purchase of goods, services or construction.

5.09 Lobbying Prohibited

The County will be entitled to reject a bid submission if any representative of a Bidder, including any other parties that may be involved in a joint venture, consortium, subcontractor or Supplier relationship, makes any representation or solicitation to any elected official, employee or agent of Haldimand County during the blackout period. This requirement does not extend to any public deputations that may be made to Council in accordance with the Procedural By-law.

5.10 Dispute Resolution

If a Vendor is seeking to dispute an Award, or the process that preceded the Award, the Vendor may take the following steps:

- a. Submit a notice of question or objection, either verbally or in writing to the Manager of Support Services, within fifteen (15) County business days of notice of award posted on the County website.
- b. The Manager of Support Services may arrange a meeting with the bidder and shall provide a response addressing the bidder's concern within fifteen (15) business days of receipt of the notice.
- c. If a resolution is unsatisfactory, the Vendor will have fifteen (15) business days from receipt of the response from the Manager of Support Services to make a formal request to meet with the General Manager of the applicable User Division.
- d. If a resolution is unsatisfactory, the Vendor will have fifteen (15) business days from receipt of the response from the General Manager to make a formal request to meet with the CAO.
- e. If a resolution is unsatisfactory, the Vendor will have fifteen (15) business days from receipt of the response from the CAO to make a formal request to appear as a delegation at a Council in Committee meeting.

6.00 STANDARDIZATION

- a. In order to assist in cross-training, enable multiple Bidders to understand the process requirements, and ensure that legal and insurance risks are controlled, standard formats and language, with the exception of specifications, for the following documents shall be used by all staff involved in procurement:
 - i. Request for Quotation,
 - ii. Request for Tender,
 - iii. Request for Proposal,
 - iv. Request for Expression of Interest,
 - v. Request for Pre-qualification,
 - vi. Blanket Order Contract,
 - vii. Request for Roster Candidates,
 - viii. Purchase Order,

- ix. Advertising, print and electronic
 - x. Bid Award Form
 - xi. Other Contracts which pertain to this policy.
- b. The standard formats and language for the above documents will be maintained by the Support Services Division, with the exception of specifications. Preparation of specifications shall be the responsibility of the User Division.
- c. In situations where it is more appropriate for bid documents to be prepared by a third party, it is the responsibility of the User Division to ensure that the third party receives a copy of this policy, the Purchasing Procedures and the County's standard language or templates and incorporates all necessary information into the bid documents.
- d. Haldimand County supports standardization among Goods and Services that are used on a regular basis and encourages corporate standards to be adopted where it is deemed beneficial.

7.00 ADVERTISING

- a. The minimum form of advertising will be the County website and the County newspaper advertisement in the designated local newspaper.
- b. No advertising is required for informal procurement methods.
- c. Bidding opportunities of \$75,000 or more are required to be advertised in the local newspaper and on the County website, with the exception of 7.00 (e).
- d. All bidding opportunities of \$100,000 or greater are required to be advertised for a minimum of fifteen (15) calendar days on the County website.
- e. Following a Pre-qualification process to short-list potential Suppliers, advertising is, not required for the subsequent bidding opportunity, although it is encouraged for the benefit of subcontractors.
- f. In addition to the County website, use of the Ontario Public Buyer's Association website is available to advertise bidding opportunities.
- g. Coordination and cost of advertising in any other publication or website is the responsibility and at the discretion of the User Division.
- h. These advertising provisions do not apply to sole and single sourcing, negotiation, procurement in emergencies, non-competitive purchases and other procurement processes initiated by the County in which bid documents are supplied to selected prospective Bidders.

8.00 CONTRACTS

8.01 Contracts

- a. A Purchase Order or Contract is the result of an Award of a Bid to a Successful Bidder.
- b. A Purchase Order is to be used when the resulting Contract is straightforward and generally a one-time purchase for the delivery of goods is required.
- c. A Contract is to be used when: the issues are complex; or the goods or services are provided over a period of time, or over multiple orders.
- d. The term of a Contract will be determined by the User Division, in consultation with the Manager of Support Services. A Contract will not extend past ten years without the bid solicitation process being conducted, unless Section 8.01(e) is applicable. The overall length of the contract can consist of multiple contract terms and renewals but must not exceed a total of ten (10) years.
- e. Complex Contracts for Services: where the development, implementation, costs and/or risk to the County is deemed as being significant, multifaceted, intricate or where long term operational knowledge and continuity of service is vital, contracts may be executed for a term of up to twenty (20) years. A User Division seeking to implement a complex contract should seek input from the Manager of Support Services to ensure that the scope of work and purpose of the contract can be defined as a complex Contract. A contract over ten (10) years in length must be approved by the General Manager and CAO.

8.02 Requirements Prior to Execution of Contract

Haldimand County will not execute a Contract until all required documentation identified in the bid document, has been received in satisfactory form.

8.03 Exercise of Contract Renewals

Where a Contract for Goods, Services or Construction contains an option for renewal, the Manager may authorize such option provided that all of the following apply:

- i. the Supplier's performance in supplying the Goods, Services or Construction is considered to have met the requirements of the contract,
- ii. exercising the renewal option is in the best interests of the County;
- iii. the renewal is within the parameters of Section 3; and
- iv. Multi-year contracts contain a clause stating that the renewal is pending annual budget approval.

8.04 Execution and Custody of Documents

- a. The designated signing officer(s) of the County may execute contracts in the name of The Corporation of Haldimand County, in accordance with Schedule A.
- b. All contracts shall be executed under the corporate seal of the County.
- c. The original executed contract document shall be provided to and retained by the Clerks Division.
- d. All original purchasing and contract documentation shall be retained in accordance with the Records Retention By-law.

8.05 Access to Information

The disclosure of information, relevant to bid solicitations or the award of contracts emanating from bid solicitations, shall be made by the appropriate officers in accordance with the provisions of the Municipal Freedom of Information and Protection of Privacy Act as amended, or as may otherwise be required by law.

9.00 REPORTING

9.01 Award of Bid

- a. All Awards of \$20,000 or greater, made through delegated authority, require completion of a Bid Award Form.
- b. A report to Council, prior to an award, is only required as per Section 3.02.
- c. An Award may not be communicated to the Vendor until the Bid Award Form has been properly executed in accordance with Schedule A, or until a Council resolution to Award has been ratified.
- d. Whenever a change order is processed for any contract that exceeds \$20,000, a Bid Award Form must be completed if the change order involves reallocation of funds.

9.02 Public Reporting

The Manager of Support Services shall submit to Council a semi-annual information report, containing the details relevant to the exercise of Delegated Authority for all procurement awards that are \$75,000 or greater. The report will also include all Blanket Contract renewals exceeding \$75,000, over the term of the contract.

10.00 MATERIALS MANAGEMENT AND INVENTORY CONTROL

10.01 Responsibility of Manager

A Manager shall be responsible for maintaining inventory in their respective Division unless a corporate strategy has been identified (i.e. Transportation Fleet, Office Furniture, Information Technology, etc.) in which case the identified Division Manager shall be

responsible for the corporate inventory assigned to their area. An internal system of inventory control should be used to maintain adequate levels of supply to support each respective Division.

10.02 Disposal of Surplus Goods

- a. The Manager of Support Services shall coordinate the disposal of all surplus goods except fleet inventory items. The Manager of Fleet shall coordinate the disposal of fleet inventory items.
- b. Items deemed surplus to the County may be disposed of using a public process that will take into consideration the type of materials being disposed and the cost-benefit to the municipality. Trade-in options may be considered as a form of disposal.

11.00 PURCHASING POLICY AND PROCESS REVIEW

- a. The Manager of Support Services shall review departmental and divisional purchasing related files, from time to time, to determine the effectiveness and integrity of the processes and to monitor policy adherence.
- b. The Manager of Support Services, once every five years or sooner if so directed, will lead a review of this policy and make recommendations to the SMT to a report to Council.

12.00 PURCHASING PROCEDURES

- a. The Manager of Support Services shall have the authority to develop and maintain procedures to implement this policy.
- b. The purchasing procedures will be approved by the SMT and used as direction to staff when purchasing Goods, Services or Construction in compliance with this policy.

REVISION HISTORY					
REPORT	CIC		COUNCIL		DETAILS
CS-SS-01-2013	21-Jan-13	Rec # 2	11-Feb-13	Res # 37-13	Rescinded Policy 2005-01 and replaced with Policy 2013-02
By-law 2323/21	7-Dec-21	Rec # 14	13-Dec-21	Res # 160-21	Schedule A updated
	Date	Rec#	Date	Res#	
	Date	Rec#	Date	Res#	
	Date	Rec#	Date	Res#	
	Date	Rec#	Date	Res#	

SCHEDULE A: AUTHORITY TO AWARD AND EXECUTE

This schedule outlines the Authority to Award a Bid in accordance with the intent of the purchasing methods outlined in this policy and the related authority to execute and bind the corporation.

The full amount, including applicable net taxes, for the supply of Goods, Services or Construction shall be considered when determining the Authority to Award and Execute.

Authority to Award	Dollar Value	Method of Procurement if Formal or Informal	Method of Award	Authority to Execute
Council	Unlimited	In accordance with Policy 2013-02	Council Resolution	Mayor and Clerk
CAO or designate, and General Manager, jointly	\$250,000 or greater	Tender or RFP	Purchase Order	CAO or designate
General Manager	\$75,000 up to but not including \$250,000	Tender or RFP	Purchase Order	General Manager
Manager	\$20,000 up to but not including \$75,000	RFQ or RFP	Purchase Order	Manager
Manager or designate	Less than \$20,000	Direct Purchase	Purchase Order	Manager

SCHEDULE B: IRREGULARITIES CONTAINED IN BIDS

IRREGULARITY	RESPONSE
1. Late Bids	Automatic rejection, returned unopened to the Bidder, or not received at all.
2. Unsealed Envelopes	Automatic rejection
3. Insufficient Financial Security (No Bid Deposit or insufficient Bid Deposit) as specified in bid document.	Automatic Rejection
4. Failure to insert the name of the bonding company in the space noted in the provided forms.	Rejected as incomplete
5. Failure to provide a letter of Agreement to Bond where required.	Rejected as incomplete
6. Illegible or obscure Bids or Bids which contain additions not called for, erasures, alterations, errors or irregularities of any kind.	Will be rejected as informal
7. Documents, in which all necessary Addenda having financial implication or scope of work amendments have not been acknowledged as deemed by the County.	Rejected as incomplete
8. Failure to attend mandatory site visit(s).	Automatic rejection
9. Bids received on documents other than those provided by Haldimand County, when specified to do so.	Rejected as informal.
10. Failure to insert the Bidder's business name in the space(s) provided on the Bidders Covenant.	Rejected as incomplete
11. Failure to include signature of the person authorized to bind the Bidder in the space provided in the provided forms.	Rejected as incomplete
12. Conditions placed by the Bidder on the Total Contract Price.	Rejected as informal

Continued on next page

<p>13. Bids Containing Mathematical Errors</p>	<p>a) If the amount submitted for a unit price item does not agree with the extension of the estimated quantity and the submitted unit price, or if the extension has not been made, the unit price shall govern and the total price shall be corrected accordingly. If both the unit price and the total price are left blank, the Bid will be rejected as incomplete.</p> <p>b) If the unit price is left blank but a total price is shown for the item, the Bid will be rejected as incomplete.</p> <p>c) If the total price is left blank for a lump sum item, the Bid will be rejected as incomplete.</p> <p>d) If the Bid contains an error in addition and/or subtraction in the approved documentation format requested when unit prices are totalled (i.e. not the additional supporting documentation supplied), the error shall be corrected and the corrected total Contract price shall govern.</p> <p>Submissions containing prices which appear to be so unbalanced as to likely affect the interests of the County adversely will be clarified and may be rejected.</p>
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The list of irregularities and responses listed in this Schedule “B” shall be included in all standard Bid documents issued by the County.

SCHEDULE C: EXEMPTION FROM COMPETITIVE BIDDING

The competitive bidding methods outlined in Section 4.00 do not apply to the following Goods and Services:

- a. Procurement of goods intended for resale to the public;
- b. Contracts with a public body or a non-profit organization;
- c. Procurement from philanthropic institutions, prison labour or persons with disabilities;
- d. Procurement of goods, services or construction that is financed primarily from donations that are subject to conditions that are inconsistent with this Policy;
- e. Procurement of goods and services directly related to cultural or artistic fields, or computer software for educational purposes;
- f. Procurement of services that, in the Province of Ontario, may, by legislation or regulation, be provided only by any of the following licensed professionals: medical doctors, dentists, nurses, pharmacists, veterinarians, land surveyors, accountants, lawyers and notaries;
- g. Procurement of financial services respecting the management of financial assets or liabilities, including ancillary advisory and information services, whether or not delivered by a financial institution; and
- h. Procurement of real property.