

## THE REGIONAL MUNICIPALITY OF NIAGARA

## BY-LAW NO. 95-2014

A BY-LAW TO DEFINE THE PROCUREMENT POLICIES AND PROCEDURES  
FOR THE REGIONAL MUNICIPALITY OF NIAGARA,  
AND TO REPEAL BY-LAWS 93-2014, 107-2013, AND 130-2010

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**WHEREAS** Section 271 (1) 3 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, requires a municipality to adopt policies with respect to its purchasing of goods and services;

**AND WHEREAS** The Council of The Regional Municipality of Niagara has deemed it desirable to set out its policies with respect to the Purchase or Disposal of Goods and/or Services in this By-law;

Now therefore, The Council of The Regional Municipality of Niagara enacts as follows:

**PURPOSES, GOALS AND OBJECTIVES OF THIS BY-LAW**

1. The purposes, goals and objectives of this By-law and of each of the methods of Purchasing authorized herein are:
  - (a) to encourage competitive bidding;
  - (b) to ensure objectivity and integrity in the Purchasing process;
  - (c) to ensure fairness between bidders;
  - (d) to maximize savings for taxpayers;
  - (e) to offer a variety of Purchasing methods, and to use the most appropriate method depending on the particular circumstances of the acquisition;
  - (f) to the extent possible, to ensure openness, accountability and transparency while protecting the best interests of the Corporation and the taxpayers of The Regional Municipality of Niagara;
  - (g) to obtain the best value for the Corporation when procuring Goods and/or Services;
  - (h) to avoid real and perceived conflicts between the interests of the Corporation and those of the Corporation's employees and elected officials and to ensure compliance with the *Municipal Conflict of Interest Act*, R.S.O. 1990, c.M.50, as amended;

- (i) to encourage the Purchase of Goods and/or Services with due regard to the preservation of the natural environment;
- (j) to promote, and incorporate wherever possible in Purchasing activities of the Corporation, the requirements of the *Ontarians with Disabilities Act, 2001*, S.O. 2001, c. 32, as amended;
- (k) to adhere to the code of ethics of the National Institute of Government Purchasing and the Purchasing Management Association of Canada; and
- (l) to maintain timely and relevant policies and procedures.

## DEFINITIONS

2. (a) In this by-law,

**“Associate Director”** means an employee of the Corporation holding the position of associate director;

**“Award”** means authorization to proceed with the Purchase, sale or Disposal of Goods and/or Services from or to a chosen Supplier;

**“Bid”** means an offer or submission from a Supplier in response to a Bid Solicitation which is subject to acceptance or rejection by the Corporation;

**“Bid Approval Report”** means a completed Purchase Requisition, Expenditure Authorization, or Council Report, which authorizes the purchase of Goods and/or Services and is executed by the Purchasing Authorities as set out in Schedule “C”;

**“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 Corporation, as required by Section 26 of this By-law;

**“Bid Solicitation”** means a formal request for Bids including an Informal Quotation, Request for Quotation, Request for Pre-Qualification, Request for Tender, Request for Proposal or Request for Expression of Interest;

**“Budget”** means the budget or portion of the budget approved by Council;

**“Chair”** means the Chair of the Corporation or his or her designate;

**“Chief Administrative Officer” or “CAO”** means the Chief Administrative Officer of the Corporation, his or her Designate or any successor position thereto;

“**Clerk**” means the Clerk of the Corporation or his or her designate;

“**Commissioner**” means the Commissioner of a Department, his or her Designate or any successor position thereto;

“**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 Corporation is, or can be reasonably be perceived to be, in conflict with the interests of the Corporation, and includes, but is not limited to:

- (i) 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 Corporation;
- (ii) a direct or indirect interest in any business that provides Goods and/or Services to the Corporation;
- (iii) a conflict of interest as defined in the *Municipal Conflict of Interest Act*, or
- (iv) a conflict of interest as defined in the Corporation’s Code of Ethics/Conflict of Interest Policy #C3.C20, 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 or sell goods or perform services;

“**Corporation**” means The Regional Municipality of Niagara;

“**Council**” means The Council of The Regional Municipality of Niagara;

“**Department**” means any Department of the Corporation including any division within a Department;

“**Department Commissioner**” means the Commissioner of the Department making the Purchase.

**“Department Representative”** means a position authorized in writing by the CAO or Department Commissioner for the Purchase and Disposal of Goods and/or Services up to the value of their prescribed signing authority and which written authorization must be filed with the Director of Procurement and Strategic Acquisitions;

**“Designate”** means a person authorized in writing to act on behalf of another during his or her absence, which written authorization has been filed with the Director of Procurement and Strategic Acquisitions; only a person holding a position no lower than one level below in the Corporation’s reporting structure may be authorized to act as a Designate;

**“Director”** means the director of a division within a Department, his or her Designate or any successor position thereto;

**“Director of Legal and Court Services”** means the Director of Legal and Court Services of the Corporation, his or her Designate or any successor position thereto;

**“Disability” or “Disabilities”** shall have the same meaning as set out in the *Ontarians with Disabilities Act, 2001*, or any successor legislation thereto;

**“Disposal”** means the selling, trading, assignment and/or scrapping of Surplus Assets;

**“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;

**“Fairness Monitor”** means an independent third party to observe all or part of a Bid Solicitation process and provide related feedback on fairness issues;

**“Formal Bid Process”** means the process for receipt of Bids, as outlined in Section 21;

**“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;

**“In House Bid”** means a Bid made by one or more employees of the Corporation, which process has been authorized by Council, submitted in response to a Bid Solicitation, where the provision of the Goods and/or Services will be provided by the employees of the Corporation;

**“Lobbying”** means the advocacy of an interest that is affected, actually or potentially by the Bid Solicitation process or individuals involved in the Bid Solicitation process including seeking to influence the outcome of the Bid Solicitation process or subsequent Award.

**“Lowest Compliant Bid”** means the Compliant Bid that would provide the Corporation with the desired Goods and/or Services at the lowest cost;

**“Manager”** means an employee of the Corporation holding the position of manager;

**“Negotiation”** means a purchasing method whereby the Corporation may negotiate directly with one or more Suppliers with the intent to award a Contract or extend an existing Contract;

**“Procurement and Strategic Acquisitions”** means that part of the Corporate Services Department and any person with the delegated authority under Section 4. (d) of this By-law, responsible for the Purchase and Disposal of all Goods and/or Services for the Corporation and for the administration of this By-law;

**“Professional Services”** means those services requiring the skills of professionals for a defined service requirement including but not limited to,

- (i) architects, engineers, designers, surveyors, geoscientists, project managers, financial consultants, auditors, accountants, and medical professionals such as doctors, dentists and lawyers;
- (ii) firms or individuals having specialized competence in environmental, planning or similar disciplines; and,
- (iii) software consultants and any other persons providing similar services;

**“Purchase”** means to acquire Goods and Services by purchase, rental, lease or trade, including Construction;

**“Purchase Order”** means a written confirmation of the Purchase of Goods and/or Services at a specific cost. ;

**“Purchase Requisition”** means a request for Goods and/or Services for which the Budget has been approved, prepared by a Department and sent to the Procurement and Strategic Acquisitions;

**“Purchasing”** means the process for obtaining Goods and/or Services;

**“Quotation”** means a binding statement of price, terms of sale and description of Goods and/or Services offered by a Supplier;

**“Request for Expression of Interest” or “RFEOI”** means a public request made by the Corporation seeking responses from potential Suppliers for the purposes of compiling a list of Suppliers who may be interested in providing Goods and/or Services to the Corporation from time to time. Receipt of an expression of interest by the Corporation does not create any obligation between the potential Supplier and the Corporation, but may be a precondition to qualifying for subsequent Bid Solicitations issued by the Corporation;

**“Request for Pre-Qualification” or “RFPQ”** means a public request by the Corporation seeking submissions outlining the experience, financial strength, education, background and significant personnel of potential Suppliers who may, from time to time, qualify to supply Goods and/or Services to the Corporation;

**“Request for Proposal” or “RFP”** means a public request for proposals by the Corporation made in accordance with Section 16 of this By-law, seeking proposals to supply Goods and/or Services which may or may not result in an Award by the Corporation;

**“Request for Quotation” or “RFQ”** means a request for Quotations by the Corporation for the provision of Goods and/or Services made in accordance with Section 14 of this By-law;

**“Request for Tender” or “RFT”** means a public request for Tenders by the Corporation made in accordance with Section 15 of this By-law;

**“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;

**“Sole Source”** means there is only one source of the Goods and/or Services that meets the requirements of the Corporation;

**“Special Circumstance”** means:

- (i) an event that is exceptional or could not be foreseen and is likely to pose a threat to the health, safety or welfare of the public;
- (ii) an event that, unless immediately addressed, is likely to cause significant loss or damage to property;
- (iii) an event that has disrupted any essential service that needs to be re-established without delay; or
- (iv) an emergency as defined in the *Emergency Management Act*, R.S.O. 1990, c. E.8, as amended, or any successor legislation thereto;

**“Specialized Services”** means those services requiring the skills of trades including, but not limited to electrical, mechanical, drywall, painting, HVAC, roofing, plumbing, electronics, and insulation;

**“Substantive Objection”** means a written objection provided to Procurement and Strategic Acquisitions from a Supplier with respect to a Bid Solicitation giving specific reasons for the objection;

**“Supplier”** means any individual or organization offering Goods and/or Services including but not limited to contractors, consultants, vendors and service organizations;

**“Surplus Assets”** means Goods, stocks and other assets, which are obsolete, damaged or surplus to that Department’s needs.

**“Tender”** means a written detailed offer from a Supplier to supply Goods and/or Services to the Corporation;

- (b) Schedules “A”, “B” and “C” attached hereto form part of this By-law.

## **APPLICATION**

- 3. (a) The policies and procedures outlined in this By-law, including all of the purposes, goals and objectives of Section 1 hereof, shall be followed for the Purchase of all Goods and/or Services by the Corporation or any of its officers, servants and employees.
- (b) The Methods of Purchasing set out in Sections 10 to 21, and the Reporting Procedures set out in Section 23, shall not apply to the Purchase and Disposal of those Goods and Services outlined in Schedule “A”.

- (c) This provision provides authority for the Purchase of Goods and Services outlined in Schedule "A" as long as the funding is available in the Budget.
- (d) Any Contracts necessary to complete the Purchase of Goods and/or Services outlined in Schedule "A" shall be signed by the appropriate Document Execution Authority for "Single Source" as set out in Schedule "C", up to the prescribed limits provided that:
  - (i) the Contract has been prepared in a form satisfactory to the Director of Legal and Court Services;
  - (ii) any financial securities and insurance required under the Contract are satisfactory to the Director of Legal and Court Services; and
  - (iii) funding is available in the Budget.

## **RESPONSIBILITIES AND AUTHORITIES**

- 4. (a) The Commissioner of Corporate Services/Treasurer shall have all the necessary authority to administer this By-law and to carry out his or her duties on behalf of the Corporation.
- (b) Procurement and Strategic Acquisitions is responsible for and shall have the authority to:
  - (i) acquire or dispose of Goods and/or Services;
  - (ii) call, receive, open and review Bids;
  - (iii) establish administrative procedures and policies for the implementation of this By-law;
  - (iv) establish, through consultation with the Director of Legal and Court Services, standards for Bid Solicitations, Purchase Orders, Contracts and other documents;
  - (v) establish, through consultation with the user Department and Director of Legal and Court Services, the terms and conditions of Bid Solicitations;
  - (vi) provide guidelines on procurement policies and procedures and the structure, format and general content of Bid Solicitations;
  - (vii) review proposed Bid Solicitations to ensure clarity, reasonableness and quality and advise staff of suggested improvements;



- (viii) establish, through consultation with the Director of Finance, policies and procedures to support the Corporation's Purchasing Card Policy #C3.P05, as may be amended.
  - (ix) act on behalf of the Corporation, the Niagara Regional Police Services Board, and from time to time, other boards and agencies, for the purposes of the Purchase or Disposal of Goods and/or Services;
  - (x) ensure open, fair and impartial Purchasing processes for Goods and/or Services which could include the services of a Fairness Monitor;
  - (xi) ensure compliance with this By-law and advise the Commissioner of Corporate Services/Treasurer when there has been non-compliance. The Commissioner of Corporate Services/Treasurer shall take appropriate action to address and correct any non-compliance;
  - (xii) develop co-operative purchasing plans with other units of government or their agencies or public authorities, where deemed beneficial to the Corporation; and
  - (xiii) promote the standardization of Goods and/or Services, where such standardization demonstrably supports the purposes, goals and objectives of this By-law.
- (c) The Director of Procurement and Strategic Acquisitions, with the written approval of the Commissioner of Corporate Services/Treasurer, may delegate to an employee or employees, all or part of the authority in Subsection 4(b) above, which authority may be limited to a particular type of Goods and/or Services.
- (d) The CAO or Department Commissioner shall appoint in writing, Department Representatives who shall be responsible for the Purchasing of Goods and/or Services and oversight up to the value of their prescribed authority in accordance with Section 4 (e);
- (e) Department Representatives will also have the following specific responsibilities:
- (i) ensuring that all Contract terms and conditions comply with the Bid Solicitation;
  - (ii) preparing and approving all specifications and terms of reference in consultation with Procurement and Strategic Acquisitions;
  - (ii) managing Contracts to ensure Goods and/or Services are received by the Corporation and comply with Contract terms and conditions;

- (iv) monitoring all Contract expenditures and ensuring that all financial limitations have been complied with and that all accounts are paid within the times set out in the Contract;
- (v) monitoring the performance of Suppliers;
- (vi) standardizing the use of Goods and/or Services, where such standardization demonstrably supports the purposes, goals and objectives of this By-law; and
- (vii) ensuring that all Goods and/or Services Purchased or Disposed have been received and recording receipt in the form prescribed by Procurement and Strategic Acquisitions.

### **REQUIREMENT FOR APPROVED FUNDS**

- 5. (a) The exercise of authority to award a Contract is subject to the identification and availability of sufficient funds in appropriate accounts within the Budget.
- (b) Where Goods and/or Services are routinely purchased or leased on a multi-year basis, the exercise of authority to award a Contract is subject to the following:
  - (i) the identification and availability of sufficient funds in appropriate accounts for the current year within the Budget;
  - (ii) the Goods and/or Services will continue to be required in subsequent years and, in the opinion of the Commissioner of Corporate Services/Treasurer, the required funding can reasonably be expected to be made available; and
  - (iii) the Contract includes a provision that the supply of Goods and/or Services in subsequent years is subject to the approval by Council of the Budget estimates to meet the proposed expenditures.

### **TRADE AGREEMENTS**

- 6. (a) Purchasing by the Corporation may be subject to the provisions of trade agreements.
- (b) Where an applicable trade agreement supersedes and is in conflict with this By-law, the trade agreement shall take precedence.
- (c) Procurement and Strategic Acquisitions shall advise the appropriate Department Commissioner when a Purchase may not conform to an applicable trade agreement as early as possible in the Bid Solicitation process.

**ADVERTISING OF BID SOLICITATIONS**

7. (a) Purchases exceeding \$100,000 for Goods and/or Services and \$250,000 for Construction shall, as a minimum, be advertised:
  - (i) on the website for the Corporation and/or a website authorized by Procurement and Strategic Acquisitions for posting bid calls, from the date that the Bid Solicitation is issued up to and including the date on which the Bid Solicitation closes; and/or
  - (ii) one time, at least seven (7) calendar days before the Bid Solicitation closes, in a local newspaper that has a daily circulation within the Regional Municipality of Niagara.
- (b) Any person involved in Purchases may advertise Purchases for lesser amounts if he or she determines that it is in the Corporation's best interest to do so.
- (c) No additional advertising is required for Purchases where bidders have been previously pre-qualified in accordance with this By-law.
- (d) Advertising is not required for services that may be provided only by any of the following licensed professionals: medical doctors, dentists, nurses, pharmacists, veterinarians, engineers, land surveyors, architects, accountants, lawyers, paralegals and notaries.

**PURCHASING DOCUMENTATION**

8. (a) The use of standard Bid documents shall be approved by Procurement and Strategic Acquisitions and/or Legal and Court Services.
- (b) A Bid Solicitation may specify a specific product or brand name to ensure consistency, to minimize risk to the Corporation, or for other valid purposes.
- (c) All changes to standard Bid Solicitations and Contracts shall be reviewed and approved by the Director of Legal and Court Services.
- (d) Before issuance, all Bid Solicitations shall be reviewed by Procurement and Strategic Acquisitions.

**METHODS OF PURCHASING**

9. (a) Any person Purchasing or Disposing Goods and/or Services on behalf of the Corporation shall do so using one of the following methods of Purchasing set out in Sections 10 to 20 ("Methods of Purchasing"). The methods may be utilized individually or in combination with one another, as may be appropriate in the circumstances.

- (b) All Methods of Purchasing, except for the exemptions in Schedule “A” and Low Value Purchases, shall be conducted through or reviewed by Procurement and Strategic Acquisitions.

## **REQUEST FOR PRE-QUALIFICATION**

- 10. (a) Procurement and Strategic Acquisitions may conduct a Request for Pre-Qualification to develop a list of Suppliers that may be eligible to submit a Bid on subsequent Bid Solicitations or to develop a roster in accordance with Section 20.
- (b) Pre-qualification may be considered in the following circumstances:
  - (i) the work will require substantial project management by the Corporation and could result in substantial cost to the Corporation if the Supplier is not appropriately experienced;
  - (ii) the Goods and/or Services to be purchased must meet national safety standards;
  - (iii) the work involves complex, multi-disciplinary activities, specialized expertise, equipment, materials or financial requirements;
  - (iv) miscellaneous repairs and services as required by the Corporation such as plumbers, electricians, and drywall contractors;
  - (v) there could be substantial impact on the Corporation’s operations if the work is not satisfactorily performed the first time; or
  - (vi) any other circumstances deemed appropriate by the Director of Procurement and Strategic Acquisitions.
- (c) An RFPQ shall be provided to the potential Suppliers setting out the criteria for pre-qualification which may include, but are not limited to:
  - (i) experience on similar work (firm and staff assigned);
  - (ii) references provided from other customers for similar work;
  - (iii) verification of applicable licences and certificates;
  - (iv) health and safety policies and staff training; and
  - (v) financial capability

- (d) Supplier submissions will be evaluated and ranked and a short list of pre-qualified Suppliers will be invited to participate in the second step of the two-step Purchasing process, being a Request for Proposal or a Request for Tender.
- (e) An RFPQ is not a legal offer but only an invitation for Suppliers to make offers to the Corporation.
- (f) All RFPQ's shall be conducted in accordance with submission instructions in the Bid Solicitation and Section 7 of this By-law.

### **REQUEST FOR EXPRESSIONS OF INTEREST**

- 11. Procurement and Strategic Acquisitions may conduct a Request for Expression of Interest for the purpose of determining the availability of Suppliers and for the purpose of compiling a list of Suppliers and may be used as a specific pre-condition of any Method of Purchasing utilized by the Corporation. The receipt of an expression of interest by the Corporation does not create any obligation between the potential Supplier and the Corporation.

### **LOW VALUE PURCHASES (UP TO \$10,000 EXCLUDING TAXES)**

- 12. Department Representatives are authorized to procure Goods and/or Services up to a total value of \$10,000, excluding taxes. Only purchases that can be demonstrated to have been made at Fair Market Value shall be made. Department Representatives may procure Goods and/or Services through the following means:
  - (a) Purchasing Card used in strict accordance with the *Purchasing Card Policy* as determined by the Commissioner of Corporate Services/Treasurer;
  - (b) Purchase Order to the Supplier; or
  - (c) direct invoice from the Supplier approved and signed by the Department Representative or Designate with authority to approve the purchase.

### **INFORMAL QUOTATIONS (PURCHASES GREATER THAN \$10,000 AND NOT EXCEEDING \$25,000 EXCLUDING TAXES)**

- 13. (a) For purchases with a total value greater than \$10,000 and not exceeding \$25,000, excluding taxes, an Informal Quotation method shall be utilized. If possible, at least three (3) written Quotations shall be solicited, analyzed and the results tabulated by either Procurement and Strategic Acquisitions or the Department Representative. Quotations received shall be evaluated on price and the criteria outlined in the quotation request to determine the preferred Supplier.

- (b) The Purchase Requisition shall be prepared by the Department Representative, for signature and approval in accordance with the Purchasing Authorities set out in Schedule "C".
- (c) The Department Representative shall forward the approved Purchase Requisition complete with copies of the Informal Quotation and the submitted Quotations to Procurement and Strategic Acquisitions and request that Procurement and Strategic Acquisitions reviews for compliance and issue a Purchase Order to the preferred Supplier.
- (d) Procurement and Strategic Acquisitions shall issue a Purchase Order when it has received all approvals and documents required by the Request for Informal Quotation and Subsection 13(a) of this By-law.

#### **REQUEST FOR QUOTATION**

#### **(PURCHASES GREATER THAN \$25,000 AND NOT EXCEEDING \$100,000 EXCLUDING TAXES)**

- 14. (a) For purchases with a total value greater than \$25,000 and not exceeding \$100,000, excluding taxes, a Request for Quotation may be used to Purchase and shall be issued by Procurement and Strategic Acquisitions.
- (b) The Department Commissioner or Department Representative shall provide to Procurement and Strategic Acquisitions the relevant information such as specifications, provisions, plans and supplemental general conditions for the purchase.
- (c) Procurement and Strategic Acquisitions shall conduct the Bid Solicitation using a list of Suppliers compiled by the Department Representative and Procurement and Strategic Acquisitions.
- (d) If possible, at least three (3) Quotations shall be solicited by Procurement and Strategic Acquisitions, analyzed and the results tabulated.
- (e) All RFQ's shall be conducted by Procurement and Strategic Acquisitions in accordance with Section 21.
- (f) Any Bid irregularities shall be dealt with in accordance with Schedule "B".
- (g) Bids received shall be analyzed and evaluated by the Department Representative and Procurement and Strategic Acquisitions using the criteria outlined in the Bid Solicitation.
- (h) Where an award is recommended, the Bid Approval Report will be prepared by Procurement and Strategic Acquisitions or the Department Representative, for signature and approval in accordance with the Purchasing Authorities set out in Schedule "C".

**REQUEST FOR TENDER  
(PURCHASES GREATER THAN \$100,000 EXCLUDING TAXES)**

15. (a) For purchases with a total value greater than \$100,000, excluding taxes, a Request for Tender shall be issued through Procurement and Strategic Acquisitions provided that all of the following conditions apply:
- (i) two (2) or more sources are considered capable of supplying the Goods and/or Services;
  - (iv) the Goods and/or Services are adequately defined to permit the evaluation of Tenders against clearly defined criteria; and
  - (iii) it is intended that the Lowest Compliant Bid will be accepted.
- (b) The Department Commissioner or Department Representative shall provide to Procurement and Strategic Acquisitions the relevant information such as specifications, provisions, plans and supplemental general conditions for the Purchase.
- (c) All RFT's shall be conducted in accordance with Section 21.
- (d) All RFT's shall be advertised in accordance with Section 7 except where a list of pre-qualified Suppliers has been compiled in accordance with Section 10.
- (e) Where an RFPQ has previously been conducted, only pre-qualified Suppliers shall be notified and Bids shall only be accepted from pre-qualified Suppliers.
- (f) Any Bid irregularities shall be dealt with in accordance with Schedule "B".
- (g) The Bid Approval Report shall be prepared in accordance with Section 23.
- (h) All Purchases shall be authorized in accordance with the Purchasing Authorities set out in Schedule "C" and all Contracts shall be signed in accordance with the Document Execution Authorities set out in Schedule "C".

**REQUEST FOR PROPOSAL  
(PURCHASES GREATER THAN \$10,000 EXCLUDING TAXES)**

16. (a) A Request for Proposal shall be issued through Procurement and Strategic Acquisitions where the Method of Purchasing meets one or more of the following criteria:
- (i) the Purchase is required as a result of a particular problem, requirement or objective;

- (ii) the selection of the Supplier depends more upon the effectiveness of the proposed solution, rather than the price alone;
  - (iii) the precise Goods and/or Services, or the specifications therefor, are not known or are not definable and it is expected that Suppliers will further define them.
- (b) The Department Commissioner or Department Representative shall provide to Procurement and Strategic Acquisitions the relevant information such as specifications, provisions, plans and supplemental general conditions for the Purchase.
- (c) A Request for Proposal may be reviewed by Regional Council before it is issued where, at the discretion of the CAO and/or the Department Commissioner, the Goods and/or Services to be acquired meet one or more of the following criteria:
  - (i) Significant value (i.e. exceeding the CAO's execution authority of \$5 million;
  - (ii) Significant public importance;
  - (iii) Significant complexity or specialization;
- (d) Procurement and Strategic Acquisitions shall conduct the Bid Solicitation.
- (e) RFPs may require Suppliers to submit a Bid in firmly sealed separate envelopes which shall contain technical, financial and other information as prescribed in the Bid Solicitation.
- (f) All RFPs will be evaluated based on the evaluation criteria outlined in the Bid Solicitation by an evaluation team which shall comprise of at least one Department Representatives and one representative from Procurement and Strategic Acquisitions.
- (g) RFPs shall be conducted by Procurement and Strategic Acquisitions in accordance with Section 21.
- (h) RFPs shall be advertised in accordance with Section 7, except where a list of pre-qualified Suppliers has been compiled in accordance with Section 10.
- (i) Any Bid irregularities shall be dealt with in accordance with Schedule "B".
- (j) The Bid Approval Report shall be prepared in accordance with Section 23.
- (k) All Purchases shall be authorized in accordance with the Purchasing Authorities set out in Schedule "C" and all Contracts shall be signed in accordance with the Document Execution Authorities set out in Schedule "C".



**SPECIAL CIRCUMSTANCE PURCHASES**

17. a) Purchases that are required to respond to a Special Circumstance shall be authorized in accordance with Schedule "C". All such purchases must be reported to Procurement and Strategic Acquisitions on the following business day.
- b) Contracts required to effect Special Circumstance purchases shall be signed in accordance with the Document Execution Authorities set out in Schedule "C".

**SINGLE SOURCE PURCHASES**

18. (a) Bid Solicitations are not required for Single Source Purchases, provided that any of the following conditions apply:
  - (i) the compatibility of a Purchase with existing equipment, product standards, facilities or service is a paramount consideration;
  - (ii) a Good or Service is Purchased for testing or trial use;
  - (iii) there is an absence of competition for technical reasons and the Goods and/or Services can only be supplied by a particular Supplier a Sole Source is being recommended;
  - (iv) an unforeseeable situation of urgency exists and the Goods and/or Services cannot be obtained in time by means of open procurement procedures;
  - (v) the Corporation has a rental contract with a purchase option and such purchase option is beneficial to the Corporation;
  - (vi) for matters involving security, police matters or confidential issues, in which case a Purchase may be made in a manner that protects the confidentiality of the Supplier or the Corporation;
  - (vii) there are no bids in response to a Bid Solicitation;
  - (viii) a roster for Professional Services has been developed in accordance with Section 20 of this By-law.
- (b) The Bid Approval Report shall be prepared in accordance with Section 23.
- (c) All Purchases shall be authorized in accordance with the Purchasing Authorities set out in Schedule "C" and all Contracts shall be signed in accordance with the Document Execution Authorities set out in Schedule "C".

**NEGOTIATION**

19. (a) Notwithstanding that Negotiation may be a component of another procurement process, Negotiation may be used for Purchases of Goods and/or Services when any of the following criteria apply:
- (i) the required Goods and/or Services are in short supply;
  - (ii) competition is precluded due to the existence of any patent right, copyright, technical secret or control of raw material;
  - (iii) a Sole Source is being recommended;
  - (iv) two (2) or more identical Bids are received;
  - (v) the Lowest Compliant Bid received meeting all specifications exceeds the Budget amount;
  - (vi) the extension of an existing Contract would be more effective;
  - (vii) only one (1) Bid is received in response to a Bid Solicitation;
  - (viii) the Bid Solicitation process has been cancelled without Award;
  - (ix) a roster for Professional Services has been developed in accordance with Section 20 of this By-law;
  - (x) there is Council authorization to do so.
- (b) The Bid Approval Report shall be prepared in accordance with Section 23.
- (c) All Purchases shall be authorized in accordance with the Purchasing Authorities set out in Schedule "C" and all Contracts shall be signed in accordance with the Document Execution Authorities set out in Schedule "C".

**ROSTER FOR PROFESSIONAL OR SPECIALIZED SERVICES**

20. (a) An RFPQ or an RFEOI may be conducted for the purpose of developing a roster of qualified Suppliers of Professional or Specialized Services for groups of projects requiring similar and particular expertise. While the use of a roster is strictly optional, the associated RFPQ or RFEOI shall be conducted in accordance with the provisions of this By-law.
- (b) The Department Representative shall provide to Procurement and Strategic Acquisitions the relevant information regarding the Professional Services and required expertise.

- (c) Procurement and Strategic Acquisitions will prepare the RFPQ or RFEOI, inviting interested Suppliers to submit Bids outlining, among other things, their qualifications, availability, recent project experience, key personnel and roles, and sufficient references satisfactory to the Director of Procurement and Strategic Acquisitions for work of a similar nature.
- (d) An evaluation team consisting of members of the requesting Department and Procurement and Strategic Acquisitions shall analyze and evaluate the responses received using the criteria outlined in the RFPQ or RFEOI to select a number of qualified Suppliers of Professional or Specialized Services which shall be placed on a roster.
- (e) On subsequent projects, Suppliers of Professional or Specialized Services may be selected from the roster to submit detailed proposals in response to a Bid Solicitation, in accordance with Sections 12 through 16 of this By-law. The requesting Department shall invite Suppliers on the roster to provide Services, using best efforts to equally distribute opportunities amongst the Suppliers on the roster.
- (f) Alternatively, a Supplier may be selected from the roster to submit a Bid for Professional or Specialized Services in accordance with Section 18 or 19 of this By-law.
- (g) Rosters shall be updated at least once every two (2) years.

### **FORMAL BID PROCESS**

- 21. (a) All Bids (with the exception of submissions in response to Requests for Pre-Qualification and Informal Quotations) shall be received by the Regional Clerk or Procurement and Strategic Acquisitions, in accordance with the instructions in the Bid Solicitation, and opened in public at the time and place stated in the Bid Solicitation.
- (b) Bids received shall be opened and the Suppliers name and the Bid amount(s) shall be read aloud and recorded unless the contents of a Bid envelope require validation in which case, the Bid will be reserved. If the reserved Bid is determined to be valid, a continuation of the Bid opening will be scheduled. If the reserved Bid is determined to be deficient, a continuation of the Bid opening will not be scheduled and the results of the Bid opening will be posted. When the Bid Solicitation is for registration purposes, only the Supplier's name will be read aloud and recorded.
- (c) When only one (1) Bid is received, only the Supplier's name shall be read aloud. The Bid amount shall not be read aloud.
- (d) Bid Irregularities shall be administered in accordance with Schedule "B".

**CO-OPERATIVE PURCHASING**

22. The Commissioner of Corporate Services/Treasurer may enter into arrangements with any government body, ministry, agency, board, corporation or authority on a co-operative or joint basis for Purchases of Goods and/or Services where there are economic advantages in so doing and such Purchases comply with this By-law.

**REPORTING PROCEDURES**

23. (a) Prior to any Award, a Bid Approval Report shall be prepared by Procurement and Strategic Acquisitions or the Department Representative, signed and authorized in accordance with the Purchasing Authorities set out in Schedule "C".
- (b) At least quarterly, the Commissioner of Corporate Services/Treasurer shall submit reports listing all Awards following the Sections 14. to 20. inclusive, in excess of \$25,000 for information to Committee and Council, and shall include, but not limited to listing of Suppliers, total award, amount budgeted for the Purchase and description of Goods and Services.

**PRESCRIBED COUNCIL APPROVAL**

24. Notwithstanding any other provision of this By-Law, the following Awards require Council approval:
- (i) the recommended Award exceeds the amount budgeted for the Purchase;
  - (ii) the authority to Award has not been expressly delegated to staff of the Corporation;
  - (iii) the recommended Award is not the Lowest Compliant Bid.

**DOCUMENT EXECUTION AUTHORITY**

25. Employees or officers of the Corporation identified in Schedule "C" (Document Execution Authority) shall have the authority to execute Contracts and all other documents necessary to effect the Award or Purchase of Goods and/or Services, up to the prescribed limits, provided that the documents have been prepared in a form satisfactory to the Director of Legal and Court Services and that the Award or Purchase complies with this By-law.

**FINANCIAL SECURITIES AND INSURANCE**

26. (a) Procurement and Strategic Acquisitions may require that a Bid be accompanied by a Bid Deposit or other similar security to guarantee that the successful Supplier enters into a Contract with the Corporation.
- (b) In addition to the security referred to in Subsection 26(a), the successful Supplier may also be required to provide:
- (i) a Performance Bond to guarantee the performance of the Contract;
  - (ii) a Labour and Materials Bond to guarantee the payment for labour and materials to be supplied in connection with a Contract; and/or
  - (iii) such further security as Procurement and Strategic Acquisitions deems appropriate in the circumstances.
- (c) Prior to the commencement of work, the Supplier shall provide to the Corporation, proof of insurance in accordance with the Bid Solicitation, satisfactory to the Director of Legal and Court Services.
- (d) Failure to comply with all terms and conditions of a Bid Solicitation, including failure to provide proof of insurance as required, shall be just cause for cancellation of the Award.
- (e) Prior to the Corporation issuing payment to a Supplier, the Supplier shall provide a Certificate of Clearance from the Workplace Safety and Insurance Board confirming all premiums or levies have been paid to the Board to date.

**BID IRREGULARITIES**

27. The process for administering irregularities contained in Bids pertaining to all Bid Solicitations shall be as set out in Schedule "B".

**FORM OF CONTRACT**

28. (a) An Award may require a formal written agreement or a Purchase Order.
- (b) A Purchase Order may be used when the resulting Contract is straightforward and will refer to the Corporation's standard terms and conditions outlined in the Bid Solicitation.
- (c) A formal written agreement satisfactory to the Director of Legal and Court Services shall be used when the resulting Contract is complex.

- (d) It shall be the responsibility of Procurement and Strategic Acquisitions in consultation with the Director of Legal and Court Services to determine if it is in the best interest of the Corporation to establish a formal written agreement with the Supplier.
- (e) When a formal written agreement is required, Procurement and Strategic Acquisitions may also issue an internal Purchase Order for record and payment purposes.

## **SUPPLIER PERFORMANCE**

29. (a) The Department Representative shall monitor and document the performance of Suppliers providing Goods and/or Services to that Department and shall advise Procurement and Strategic Acquisitions in writing when the performance of a Supplier has been unsatisfactory.
- (b) The Corporation may, in its sole discretion, disqualify a Supplier from bidding on any Bid Solicitation or reject a Bid if a Supplier:
- (i) has, at any time, threatened, commenced or engaged in legal claims or litigation against the Corporation;
  - (ii) is involved in a claim or litigation initiated by the Corporation;
  - (iii) previously provided Goods and/or Services to the Corporation in an unsatisfactory manner;
  - (iv) has failed to satisfy an outstanding debt to the Corporation;
  - (v) has a history of illegitimate, frivolous, unreasonable or invalid claims;
  - (vi) provides incomplete, unrepresentative references, or receives unsatisfactory external and/or internal references in a reference check undertaken by Regional Staff,
  - (vii) has engaged in conduct that leads the Corporation to determine that it would not be in the Corporation's best interests to accept the Bid.

**DISPUTE RESOLUTION**

30. (a) The Corporation encourages competitive bidding and an open, accountable and transparent process for the Purchase of Goods and/or Services.
- (b) To maintain the integrity of the Bid Solicitation process, Suppliers who believe they have been treated unfairly in a Bid Solicitation process shall submit a Substantive Objection to the Director of Procurement and Strategic Acquisitions providing sufficient detail regarding their complaint within:
- (i) 7 days from the conclusion of the Bid opening process for Request for Quotations or Request for Tenders.
  - (ii) 7 days of the Supplier being notified of the results of a Request for Pre-Qualification or Request for Expressions of Interest or Request for Proposals.
- (c) The Director of Procurement and Strategic Acquisitions will arrange a debriefing with the Supplier to explain the Bid Solicitation process that led to the selection of the successful Supplier.
- (d) The Director of Procurement and Strategic Acquisitions will investigate the complaint and will make a recommendation to the Commissioner of Corporate Services/Treasurer, CAO or Council, as appropriate.
- (e) To ensure that the Dispute Resolution process for the particular Bid Solicitation process is seen to be fair and impartial, elected officials shall not advocate on behalf of Suppliers who have submitted a Substantive Objection.
- (e) Should a Supplier continue to have concerns respecting the Award and the decision, the Supplier may then request, in writing to the Commissioner of Corporate Services/Treasurer, a mediator, to assist in resolving any outstanding issues between the Supplier and the Corporation.
- (f) The recommended mediator will be approved by both the Supplier and the Corporation.
- (g) The mediator shall make his/her best efforts to assist the parties to reach a mutually acceptable solution.
- (h) Costs for the mediator shall be equally shared by the Supplier and the Corporation.

- (i) Any resolution reached through the mediation process shall remain confidential if requested by either of the parties.

### **LOBBYING RESTRICTIONS**

- 31. (a) Lobbying restrictions shall apply to Suppliers, their staff members, or anyone involved in preparing a Bid, shall not engage in any form of political or other Lobbying whatsoever or seek to influence the outcome of the Bid Solicitation process or subsequent Award. This restriction extends to all of the Corporation's staff and anyone involved in preparing a Bid Solicitation or participating in a Bid evaluation process, and members of Council.
- (b) The Corporation may reject any Bid by a Supplier that engages in such Lobbying, without further consideration, and may terminate that Supplier's right to continue in the Bid Solicitation process.
- (c) During a Bid Solicitation process, all communications shall be made through Procurement and Strategic Acquisitions. No Supplier or person acting on behalf of a Supplier or group of Suppliers, shall contact any elected official, consultant or any employee of the Corporation to attempt to seek information or to influence the Award.
- (d) Elected officials shall refer any inquiries about a Bid Solicitation process to the Commissioner of Corporate Services/Treasurer.

### **ACCESS TO INFORMATION**

- 32. (a) The disclosure of information received relevant to Bid Solicitations or Awards shall be made by the appropriate officers in accordance with the provisions of all relevant privacy legislation including primarily the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M.56, as amended.
- (b) All Suppliers who contract with the Corporation shall adhere to or exceed the standards set in the *Municipal Freedom of Information and Protection of Privacy Act* or the *Personal Health Information Protection Act, 2004*, S.O. 2004, c. 3, Sched. A, or other relevant Ontario or federal privacy legislation or common law as may be passed or amended from time to time, as if they were agents of the Corporation as relates to the confidential and secure treatment, including collection, use, disclosure or retention, of personal (health) information, other confidential information of the Corporation, and all records thereof which they come into contact with in the course of performing Services or providing Goods to the Corporation.



**SURPLUS ASSETS**

33. (a) Directors shall submit to Procurement and Strategic Acquisitions from time to time and upon request, a list of Surplus Assets.
- (b) All Surplus Assets shall first be offered to other Departments within the Corporation.
- (c) All Surplus Assets not required by any Department of the Corporation may then be offered to area municipalities, agencies and charitable organizations within the Niagara region prior to any public Disposal procedure.
- (d) Procurement and Strategic Acquisitions shall have the authority to sell or dispose of all Surplus Assets, by sealed bid, public auction or any other public sale.
- (e) The sale of Surplus Assets shall be made to the highest bidder and in accordance with the provisions of this By-law.
- (f) The respective Department shall be credited with the net proceeds, if any, from the Disposal of its Surplus Assets unless otherwise agreed.
- (g) Surplus Assets shall not be sold directly to an employee or to a member of Council, although this does not prohibit any employee or member of Council from purchasing Surplus Assets being sold through a public process.
- (h) Surplus Assets may be donated to non-profit agencies or non-profit institutions for educational or teaching purposes only. Donated items shall not be re-sold. All donated Surplus Assets must be approved by the Department Commissioner.
- (i) On termination of their relationship with Niagara Region, any outgoing employee or regional councillor can request the opportunity to Purchase the business laptop computer provided to them. Such Purchases must be approved by the Commissioner of Corporate Services/Treasurer or designate on condition that the computer be at least three years old and the purchaser must pay equal or greater than the market value as determined by the average sale price of similar computers sold over the prior six months through the public auction process or other measure acceptable to the Commissioner of Corporate Services/Treasurer.

**COMPLIANCE**

34. (a) All persons involved in the Purchase or Disposal of Goods and/or Services provided for in this By-law, shall act in a manner consistent with the requirements and objectives of this By-law.
- (b) Purchases may not be divided into two (2) or more parts to avoid the requirements of this By-law.
- (c) Any Goods and/or Services that are obtained in contravention of this By-law will be subject to investigation by the Corporation, following which the Corporation will take the necessary corrective action.
- (d) Any employee of the Corporation who knowingly contravenes this By-law is committing a serious act of misconduct and may be held personally liable for the full value of the Purchase or Disposal as well as disciplinary action up to and including termination.

**ENVIRONMENTALLY SOUND ACQUISITIONS**

35. Departments will endeavour to include specifications in Bid Solicitations that provide for energy efficient products, reusable products and products that contain the maximum level of post-consumer waste and/or recyclable content, without significantly affecting the intended use of the product or service. It is recognized that cost analysis is required in order to ensure that the products are competitively priced.

**IN HOUSE BIDS**

36. In House Bids may be used for the Purchase of Goods and/or Services where:
- (a) external Suppliers have also been requested to submit Bids; and
- (b) Council has approved a format for the development and submission of the In House Bids.

**PROVIDING ASSISTANCE**

37. The CAO has the authority, provided there is no adverse impact upon the operations of the Corporation, to lend, lease, rent or otherwise provide any vehicle, equipment or other goods owned by the Corporation to any federal, provincial or municipal body, ministry, agency, board, corporation or other public authority when such action is reasonably justified due to unforeseen conditions, and shall report such action to Council forthwith.

**CONFLICT OF INTEREST**

38. (a) Personal Purchases shall not be made for any elected or appointed officials, members of a board or commission, or for Corporation officers, employees or their families.
- (b) An employee of the Corporation who has the responsibility for declaring Surplus Assets shall not bid on or personally obtain any goods that he or she has declared as surplus.
- (c) Every elected official, appointed officer, employee of the Corporation or member of an employee's family is expressly prohibited from accepting, directly or indirectly, from any person, company, firm or corporation to which any Purchase Order or Contract is, or might be awarded, any rebate, gift or money, except:
- (i) gifts of a very small intrinsic value; or
  - (ii) moderate hospitality during the normal course of business that would not significantly exceed what the Corporation, through the employee's expense account, would likely provide in return and would not be perceived by others as influencing the making of a business decision.
- (d) All elected officials, officers or employees of the Corporation shall declare any Conflicts of Interest to the Commissioner of Corporate Services/Treasurer and shall have no involvement in a Bid Solicitation process where a real or perceived Conflict of Interest has been found or deemed to exist, including, but not limited to:
- (i) requesting the Goods and/or Services, setting the parameters of the Purchase, evaluating Bids or recommending, deciding or making Awards;
  - (iii) direct contact with those making those Purchasing decisions, both in Procurement and Strategic Acquisitions and the user Department.
- (e) Suppliers shall not be allowed to submit a Bid for any Bid Solicitation in which the Supplier has participated in the preparation of the Bid Solicitation, and any such Bid submitted shall be disqualified.

**SEVERABILITY**

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

**BY-LAW REVIEW**

40. The Commissioner of Corporate Services/Treasurer shall review the effectiveness of this By-law at least every five (5) years and report to Council as necessary.

**REPEAL**

- 41. (a) That By-law No. 93-2014 of The Regional Municipality of Niagara shall be repealed effective on the date this By-law comes into force.
- (b) That By-law No. 130-2010 of The Regional Municipality of Niagara, as amended by By-law No. 107-2013, shall be repealed effective on the date this By-law comes into force.
- (c) That, notwithstanding Subsection 41(b), By-law No. 130-2010, as amended, of The Regional Municipality of Niagara shall continue to apply to all Bid Solicitations commenced before its repeal.

**EFFECTIVE BY-LAW DATE**

42. This By-law shall come into force and effect on the day upon which it is passed.

THE REGIONAL MUNICIPALITY OF NIAGARA

*Original Signed By:*

\_\_\_\_\_  
Gary Burroughs, Regional Chair

*Original Signed By:*

\_\_\_\_\_  
Ralph Walton, Regional Clerk

Passed: November 6, 2014

**PROCUREMENT BY-LAW**  
**THE REGIONAL MUNICIPALITY OF NIAGARA**  
**EXCEPTIONS TO FORMAL PURCHASING PROCESS**

The Purchase of the items in Schedule "A" shall be made in accordance with Section 3 of this By-law.

1. Petty Cash items
2. Training and Education
  - (a) Conferences, conventions, courses and seminars
  - (b) Magazines, books, periodicals
  - (c) Memberships
  - (d) Staff Development
3. Refundable Employees Expenses
  - (a) Advances
  - (b) Meal Allowances
  - (c) Travel and Entertainment
  - (d) Miscellaneous - Non-Travel
4. Employer's General Expenses
  - (a) Payroll Deductions Remittances
  - (b) Medical
  - (c) Licenses (Vehicle, Firearms, etc.)
  - (d) Debenture Payments
  - (e) Insurance Premiums
  - (f) Grants to Agencies
  - (g) Damage Claims
  - (h) Petty Cash Replenishment
  - (i) Tax Remittances
  - (j) Regional charges to and from other government bodies
  - (k) Sinking Fund Payments
  - (l) Payments for employment
  - (m) Postage

**PROCUREMENT BY-LAW**  
**THE REGIONAL MUNICIPALITY OF NIAGARA**  
**EXCEPTIONS TO FORMAL PURCHASING PROCESS**

5. Professional and Special Services
  - (a) Committee Fees
  - (b) Medical and Laboratory Services
  - (c) Fees for professional legal or related expert services
  - (d) Payments to Social Service and Health Agencies that are subject to Purchase of Service Agreements, such as child care providers.
  - (e) Medical and Dental fees
  - (f) Funeral and Burial expenses
  - (g) Appraiser Fees
  - (h) Witness fees
  - (i) Honorariums
  - (j) Work payments to Long Term Care Residents
  - (k) Advertising
  - (l) Vouchers for all expenses for Social Service Recipients
  
6. Ongoing maintenance and software licencing agreements for equipment such as computer hardware and software, telecommunications equipment, elevators, and HVAC equipment.
  
7. Banking Services and Charges
  
8. Utilities (monthly charges)
  - (a) Water and Sewer
  - (b) Hydro
  - (c) Gas
  - (d) Communication Infrastructure Services such as Bell, Cogeco, Rogers, etc.
  - (e) Utility relocations
  - (f) Construction work completed by Railways on property of the Corporation and billed to the Corporation.

**PROCUREMENT BY-LAW  
THE REGIONAL MUNICIPALITY OF NIAGARA  
BID IRREGULARITIES**

**RESPONSES FOR ADMINISTERING IRREGULARITIES CONTAINED IN BIDS**

	<u><b>IRREGULARITY</b></u>	<u><b>RESPONSE</b></u>
1.	Late Bids.	Automatic rejection. Returned unopened to the bidder.
2.	Unsealed Envelopes.	Automatic rejection.
3.	<b>Insufficient Financial Security</b>	
	A) No Bid Deposit, uncertified cheque, or financial security not an original (e.g. a photocopy or a facsimile of a financial security).	Automatic rejection.
	B) Amount of financial security is insufficient:	Automatic rejection.
	i. Amount of security is expressed as a percentage of the total bid sum.	Automatic rejection, unless in the opinion of Procurement and Strategic Acquisitions and Legal and Court Services, the insufficiency in the financial security is de minimus (trivial or insignificant).
	ii. Amount of security is expressed only as a dollar figure.	Automatic rejection.
	C) i. Name or signature of Supplier is missing or incomplete.	Automatic rejection.
	ii. Seal of Supplier is missing or incomplete.	Two (2) working days* to obtain missing or incomplete items.
	D) Name, signature, or seal of bonding company is missing or incomplete.	Automatic rejection.
	E) Failure to provide a letter of agreement to bond (if required).	Automatic rejection.
4.	<b>Bid Document – execution</b>	
	A) Bids completed in erasable medium.	Automatic rejection.
	B) i. Signature of representative authorized to bind the Supplier missing or incomplete on the prescribed form which is to be submitted in response to a Bid Solicitation.	Automatic rejection.
	ii. Electronic signature of representative or absence of corporate seal authorized to bind the Supplier shown on the prescribed form which is to be submitted in response to a Bid Solicitation.	Two (2) working days* to obtain original signature.
	C) Form of Proposal missing or incomplete.	Two (2) working days* to correct to the satisfaction of Procurement and Strategic Acquisitions, otherwise automatic rejection.

**PROCUREMENT BY-LAW  
THE REGIONAL MUNICIPALITY OF NIAGARA  
BID IRREGULARITIES**

**RESPONSES FOR ADMINISTERING IRREGULARITIES CONTAINED IN BIDS**

	<u>IRREGULARITY</u>	<u>RESPONSE</u>
	D) Form of Quotation or Tender missing or incomplete.	Automatic rejection.
	E) Signature of witness, if required, missing or incomplete.	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.
5.	Incomplete, illegible or obscure Bids 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 Procurement and Strategic Acquisitions, 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 Procurement and Strategic Acquisitions or, if stated in the Bid Solicitation, automatic rejection.
7.	Failure to attend mandatory site visit (if required).	Automatic rejection.
8.	Bid received on documents other than those provided 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 Procurement and Strategic Acquisitions and Legal and Court Services, the incomplete nature is trivial or insignificant.
10.	Mathematical errors.	Two (2) working days* to initial the corrections 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 Bid as corrected.
11.	Qualified Bids (Bids qualified or restricted by an attached statement).	Automatic rejection
12.	Bids containing minor obvious clerical errors.	Two (2) working days* to confirm Bid to the satisfaction of Procurement and Strategic Acquisitions.
13.	Any other irregularities.	The Director of Legal and Court Services, or Designate, shall have authority to waive other irregularities or grant two (2) working days * to initial such other irregularities considered to be minor.

\* Where "working days" specified, this is from the hour the Bidder is notified by Corporation staff of the irregularity



**PROCUREMENT BY-LAW  
THE REGIONAL MUNICIPALITY OF NIAGARA  
PURCHASING AND EXECUTION AUTHORITY**

<b>Method Of Purchasing</b>	<b>Dollar Value</b>	<b>Purchasing Authority*</b>	<b>Document Execution Authority</b>	<b>Type Of Agreement With Supplier</b>
Low Value (for routine Purchases of low dollar value)	Up to \$10,000	Department Representative	Department Director	Cash, Purchase Order or Purchasing Card
Informal Quotation (obtain, if possible, 3 written quotations for goods and services)	> \$10,000 to \$25,000	Department Manager	Department Director	Purchase Order or legally executed agreement
Formal Quotation (formal bid solicitation to obtain quotations from at least 3 suppliers)	> \$25,000 to \$100,000	Department Associate Director or Designate	Department Commissioner or Designate	Purchase Order or legally executed agreement
Request for Tender	> \$100,000 to \$250,000	Department Director or Designate	Department Commissioner or Designate	Purchase Order or legally executed agreement
	> \$250,000 to \$1 million	Department Commissioner or Designate, and Director of Procurement and Strategic Acquisitions	Department Commissioner or Designate and Commissioner of Corporate Services/Treasurer	
	> \$1 million to \$5 million	Department Commissioner or Designate, and the Commissioner of Corporate Services/Treasurer or CAO	CAO	
	> \$5 million	Council	Regional Clerk and Regional Chair	

**PROCUREMENT BY-LAW  
THE REGIONAL MUNICIPALITY OF NIAGARA  
PURCHASING AND EXECUTION AUTHORITY**

<b>Method Of Purchasing</b>	<b>Dollar Value</b>	<b>Purchasing Authority*</b>	<b>Document Execution Authority</b>	<b>Type Of Agreement With Supplier</b>
Request for Proposal	> \$10,000 to \$25,000	Department Manager	Department Director	Purchase Order or legally executed agreement
	> \$25,000 to \$100,000	Department Associate Director or Designate	Department Commissioner or Designate	
	> \$100,000 to \$250,000	Department Director or Designate	Department Commissioner or Designate	
	> \$250,000 to \$1 million	Department Commissioner or Designate, and Director of Procurement and Strategic Acquisitions	Department Commissioner or Designate and Commissioner of Corporate Services/Treasurer	
	> \$1 million to \$5 million	Department Commissioner or Designate, and Commissioner of Corporate Services/Treasurer or CAO	CAO	
> \$5 million	Council	Regional Clerk and Regional Chair		

**PROCUREMENT BY-LAW  
THE REGIONAL MUNICIPALITY OF NIAGARA  
PURCHASING AND EXECUTION AUTHORITY**

<b>Method Of Purchasing</b>	<b>Dollar Value</b>	<b>Purchasing Authority*</b>	<b>Document Execution Authority</b>	<b>Type Of Agreement With Supplier</b>
Special Circumstance, Single Source and Negotiation	> \$10,000 to \$25,000	Department Associate Director or Designate	Department Director	Purchase Order or legally executed agreement
	> \$25,000 to \$50,000	Department Director or Designate	Department Commissioner or Designate	
	>\$50,000 to \$100,000	Department Commissioner or Designate	Department Commissioner or Designate	
	> \$100,000 to \$250,000	Department Commissioner or Designate and Director of Procurement and Strategic Acquisition --	Department Commissioner or Designate and Commissioner of Corporate Services/Treasurer	
	>\$250,000 to \$1,000,000	Department Commissioner or Designate and Commissioner of Corporate Services/Treasurer	Department Commissioner or Designate and CAO	
	>\$1,000,000	Council	Regional Clerk and Regional Chair	

\* "Purchasing Authority" means those positions listed, and includes any position which is higher in the Corporation's reporting structure.

**PROCUREMENT BY-LAW  
THE REGIONAL MUNICIPALITY OF NIAGARA  
INDEX**

PURPOSES, GOALS AND OBJECTIVES OF THIS BY-LAW ..... 1

DEFINITIONS ..... 2

APPLICATION ..... 7

RESPONSIBILITIES AND AUTHORITIES ..... 8

REQUIREMENT FOR APPROVED FUNDS ..... 10

TRADE AGREEMENTS ..... 10

ADVERTISING OF BID SOLICITATIONS ..... 11

PURCHASING DOCUMENTATION ..... 11

METHODS OF PURCHASING ..... 11

REQUEST FOR PRE-QUALIFICATION ..... 12

REQUEST FOR EXPRESSIONS OF INTEREST ..... 13

LOW VALUE PURCHASES ..... 13

INFORMAL QUOTATIONS ..... 13

REQUEST FOR QUOTATION ..... 14

REQUEST FOR TENDER ..... 15

REQUEST FOR PROPOSAL ..... 15

SPECIAL CIRCUMSTANCE PURCHASES ..... 17

SINGLE SOURCE PURCHASES ..... 17

NEGOTIATION ..... 18

ROSTER FOR PROFESSIONAL OR SPECIALIZED SERVICES ..... 18

FORMAL BID PROCESS ..... 19

CO-OPERATIVE PURCHASING ..... 20

REPORTING PROCEDURES ..... 20

PRESCRIBED COUNCIL APPROVAL ..... 20

DOCUMENT EXECUTION AUTHORITY ..... 20

FINANCIAL SECURITIES AND INSURANCE ..... 21

BID IRREGULARITIES ..... 21

FORM OF CONTRACT ..... 21

SUPPLIER PERFORMANCE ..... 22

DISPUTE RESOLUTION ..... 23

LOBBYING RESTRICTIONS ..... 24

ACCESS TO INFORMATION ..... 24

SURPLUS ASSETS ..... 25

COMPLIANCE ..... 26

ENVIRONMENTALLY SOUND ACQUISITIONS ..... 26

IN HOUSE BIDS ..... 26

PROVIDING ASSISTANCE ..... 26

CONFLICT OF INTEREST ..... 27

SEVERABILITY ..... 28

BY-LAW REVIEW ..... 28

SCHEDULE “A” – EXCEPTIONS TO FORMAL PURCHASING PROCESS ..... 29

SCHEDULE “B” – BID IRREGULARITIES ..... 31

SCHEDULE “C” – PURCHASING AND EXECUTION AUTHORITY ..... 33