

INDEX

- 1.0 LEGISLATIVE AUTHORITY
 - 2.0 PURPOSE OF PURCHASING POLICY
 - 3.0 GENERAL PROVISIONS
 - 4.0 APPLICATION
 - 5.0 AUTHORITY
 - 6.0 MANAGER OF FINANCIAL SERVICES RESPONSIBILITIES
 - 7.0 EMPLOYEE RESPONSIBILITIES
 - 8.0 CONSULTING FIRM RESPONSIBILITIES
 - 9.0 FINANCIAL ACCOUNTABILITY
 - 10.0 CONTRACT ADMINISTRATION
 - 11.0 REQUESTS FOR VENDOR INPUT
 - 12.0 GRATUITIES
 - 13.0 LOCAL VENDOR/SUPPLIER PREFERENCE
 - 14.0 SALESPERSONS/VENDORS
 - 15.0 ISSUING/AUTHORIZATION OF PURCHASE ORDERS
 - 16.0 ITEMS NOT REQUIRING PURCHASE ORDERS
 - 17.0 ADVERTISING
 - 18.0 BID ADDENDUM
 - 19.0 BID DEPOSITS
 - 20.0 BONDING REQUIREMENTS
 - 21.0 INSURANCE
 - 22.0 RISK MANAGEMENT
 - 23.0 RECEIPT OF BIDS
 - 24.0 BID ANALYSIS
 - 25.0 BID IRREGULARITIES
 - 26.0 BIDS WITH EQUAL TOTAL PRICES
 - 27.0 PROCESS FOR REDUCING COST OF OVERBUDGET BID SUBMISSIONS
 - 28.0 BID WITHDRAWAL
 - 29.0 DISPUTE RESOLUTION
 - 30.0 DISPOSAL OF SURPLUS GOODS
 - 31.0 SOURCE SELECTION CRITERIA
 - 32.0 SOURCE SELECTION METHODS AND APPROVAL AUTHORITY
 - 33.0 STANDARD PURCHASES (Up to \$25,000)
 - 34.0 SEALED QUOTATIONS (\$25,000 to \$100,000)
 - 35.0 SEALED TENDERS (\$100,000 and up)
 - 36.0 REQUEST FOR PROPOSAL
 - 37.0 SOLE SOURCE PURCHASES
 - 38.0 EQUIPMENT REPAIRS
 - 39.0 CONSULTANTS
 - 40.0 PURCHASE AT PUBLIC AUCTION
 - 41.0 EMERGENCY PURCHASES
 - 42.0 LONG-TERM TENDERS/QUOTATIONS
 - 43.0 RETENTION OF DOCUMENTATION
 - 44.0 PURCHASING PROCESS REVIEW
 - 45.0 PURCHASING PROCEDURES
 - 46.0 EXEMPTION BY COUNCIL
 - 47.0 ACQUISITION OF GOODS AND SERVICES FROM GOVERNMENT BODIES
 - 48.0 TECHNOLOGY SOLUTIONS
 - 49.0 NO LOBBYING
- Schedule "A" BID IRREGULARITIES

1.0 LEGISLATIVE AUTHORITY

1.1 The *Municipal Act, 2001* Part VI, Section 271, as amended states that a municipality and a local board shall adopt policies with respect to its procurement of goods and services, including policies with respect to:

- (a) the types of procurement processes that shall be used;
- (b) the goals to be achieved by using each type of procurement process;
- (c) the circumstances under which each type of procurement process shall be used;
- (d) the circumstances under which a tendering process is not required;
- (e) the circumstances under which in-house bids will be encouraged as part of a tendering process;
- (f) how the integrity of each procurement process will be maintained;
- (g) how the interests of the municipality or local board, as the case may be, the public and persons participating in a procurement process will be protected;
- (h) how and when the procurement processes will be reviewed to evaluate their effectiveness; and
- (i) any other prescribed matter.

1.2 All municipal and local board purchasing will be in accordance with the Accessibility for Ontarians with Disabilities Act, 2005 as amended and City of Stratford policy A.2.1, Accessible Standard for Customer Service, and the Occupational Health and Safety Act R.S.O., 1990 C.01 as amended.

2.0 PURPOSE OF PURCHASING POLICY

2.1 The purpose of this policy is to set out guidelines for the municipality and the local boards specified in Paragraph 4.0 (hereinafter referred to as "local boards") to ensure that all purchases of materials, supplies and services provide the lowest costs consistent with the required quality and service.

2.2 An open and honest process shall be maintained that is fair and impartial.

2.3 The purchasing policy will promote and maintain the integrity of the purchasing process and protect Council, Local Boards, staff and vendors involved in the process, by providing clear direction and accountabilities.

3.0 GENERAL PROVISIONS

3.1 No contract or purchase shall be divided to avoid any requirements of this policy.

3.2 The department shall be responsible for the preparation of specifications. Such specifications are to be generic or "as equivalent" with City of Stratford's approval.

3.3 No employee or Member of Council of The Corporation of the City of Stratford or of a local board as specified in paragraph 4.0 will have any interest directly or indirectly, as a contracting party, partner, shareholder, surety or otherwise in any contract for goods or services or in any of the monies to be derived there from, unless by resolution of Council prior to the award of a sealed bid.

3.4 If a Department Head has a direct or indirect interest and is responsible for the bid, the process shall be undertaken by a designate appointed by Council.

- 3.5 No purchase of goods and services shall be authorized unless it is in compliance with the Purchasing Policy. Goods and services that are obtained without following the provisions of the aforementioned will not be accepted and any invoices received will not be processed for payment
- 3.6 The Corporation does not accept bids made by a Department submitted in response to a bid solicitation where the provision of the goods or services will be provided entirely by the employees of the Corporation otherwise known as In House Bids.
- 3.7 The Corporation may participate with other entities in co-operative purchase ventures when the best interests of the Corporation will be served.
- 3.8 No tender, proposal or quotation will be accepted from any company inclusive of its subcontractor, which has a claim or instituted a legal proceeding or has threatened a claim or legal proceeding against the Corporation or against whom the Corporation has a claim or instituted a legal proceeding with respect to any previous contract, without prior approval by Council.
- 3.9 All departments in conjunction with Purchasing staff shall review their contracts and tender specifications for goods and services, to ensure that wherever possible and economical as determined by the department, specifications are amended to provide for expanded use of products and services that contain post-consumer recyclable waste and/or recyclable content to the maximum level allowable, without significantly affecting the intended use or performance of the product or service. It is also recognized that a cost analysis may be required in order to ensure that the products are made available at competitive prices in order to increase the development and awareness of Environmentally Sound Products.
Any recommendation to award will be in favour of a bidder meeting specifications, terms and conditions of the tender and whose tender offers the lowest ultimate cost to the City for the goods or services being tendered with due consideration of the importance of quality, service and price.
- 3.10 All bids submitted to the City of Stratford become the property of the City. They will be received and held in confidence by the City subject to the provisions of the Municipal Freedom of Information and Protection of Privacy Act. To assist in maintaining the integrity of the bid process, persons participating in a procurement process shall in addition to all other provisions of this purchasing policy, handle information and bids submitted in confidence, in accordance with the Municipal Freedom of Information and Protection of Privacy Act.
- 3.11 Information pertaining to the City of Stratford obtained by the proponent as a result of participation in this project is confidential and must not be disclosed without written authorization of the City.
- 3.12 Notwithstanding section 3.10 of this Purchasing Policy, after the deadline for receipt of bids has passed, for all purchases made in accordance with this purchasing policy, the Manager of Financial Services or designate, is authorized to release the names of bidders and the total prices offered, but not unit prices or information which could reveal unit prices, except in cases where the City requested unit prices in place of total prices. Further, where total prices have been requested by the City and submitted with the bid, then unit prices and information which could reveal them, shall not be disclosed or made public, except in accordance with the *Municipal Freedom of Information and Protection of Privacy Act*.
- 3.13 Subject to the provisions of the *Municipal Freedom of Information and Protection of Privacy Act*, no employee nor appointed or elected official of the City, shall divulge the prices paid by the City of Stratford unless City Council otherwise directs, with the following exceptions:

- a) that the total price, in the case of public tenders/quotations or details of non-confidential reports recommending contract awards, may be revealed;
- b) unit prices paid by the City of Stratford may be revealed to other public agencies for benchmarking purposes provided confidentiality is maintained in keeping with the intent of this section;
- c) except in accordance with the *Municipal Freedom of Information and Protection of Privacy Act*.

4.0 APPLICATION

4.1 The following committees, local boards and corporations are bound by this Policy:

The Corporation of the City of Stratford
 Stratford City Centre Committee
 Perth & Stratford Housing Corporation
 Board of Park Management

5.0 AUTHORITY

5.1 The Corporation has, by the authority of Council, appointed the Manager of Financial Services to oversee all municipal purchasing. The position of Manager of Financial Services and the Purchasing Department are functions under the supervision of the Director of Corporate Services.

6.0 MANAGER OF FINANCIAL SERVICES RESPONSIBILITIES

- 6.1 The Manager of Financial Services is responsible for:
- a) the management, organization and administration of the municipal purchasing function, as well as developing policies and procedures for the purchasing function
 - b) preparing, issuing and receiving Requests for Proposal, Tenders, Quotations and Inquiries for goods and services, and for arranging the disposal of surplus goods
 - c) the correlation and unification, so far as possible, of the requirements of the various departments of the Corporation, and The standardization of the kinds of goods and services used by the Corporation to the smallest quantity consistent with the needs of the various departments. This program shall be a joint enterprise among the various departments of the Corporation, with the Manager of Financial Services having the responsibility of putting the program into effect.

7.0 EMPLOYEE RESPONSIBILITIES

7.1 Each employee empowered to create, authorize and issue Purchase Orders in the name of the Corporation, is to understand that these steps constitute a commitment by the Corporation to honour the purchase of goods and services from vendors, for which the employee is to be held accountable.

8.0 CONSULTING FIRM RESPONSIBILITIES

- 8.1 Should it be deemed advantageous to engage the services of a consultant in the bidding process, the Department must ensure the consultant is aware of and follows the Corporation's purchasing policies and procedures.
- 8.2 Consultants are to provide a copy of any documentation being issued in the Corporation's name, to the Manager of Financial Services prior to issuance.

9.0 FINANCIAL ACCOUNTABILITY

9.1 No purchases shall be made unless approved in the annual budget or authorized by Council and the local board where applicable. Where this policy prescribes dollar limits, the contract amount shall be the estimated total acquisition cost less GST.

10.0 CONTRACT ADMINISTRATION

10.1 It shall be the responsibility of the Department to enforce the contract terms, conditions and specifications.

10.2 The Manager of Financial Services in consultation with the Department Head of the requisitioning department may remove the vendor's name from the list of bidders for a period of up to two years on the basis of documented poor performance, non-performance or conflict of interest. This could include but is not limited to failure to meet completion dates, follow instructions, non-compliance with the Occupational Health and Safety Act R.S.O., 1990 C.01 as amended, failure to comply with the terms and conditions of the contract. A written notice of the decision will be provided to the vendor by the Manager of Financial Services. To be reinstated on the bidders list the vendor shall supply an updated company profile and 3 recent references which will be evaluated by the Manager of Financial Services.

11.0 REQUESTS FOR VENDOR INPUT

11.1 Vendors or potential vendors should not be requested to expend time, money or effort on design or in developing specifications or to otherwise help define a requirement beyond the normal level of service expected from vendors.

11.2 When such services are required:

- 1) the Manager of Financial Services shall be advised,
- 2) the contracted vendor will be considered as a consultant and unable to make an offer for the supply of goods and services,
- 3) shall be paid a fee,
- 4) and the detailed specifications shall become the property of the Corporation for use in obtaining competitive bids

12.0 GRATUITIES

12.1 Each employee of the Corporation is expressly prohibited from accepting directly or indirectly, from any person, firm or corporation to which any purchase or contract is, or might be awarded, any rebate, gift, money, or anything of value whatsoever, except where given, is for the use of and the benefit of the Corporation.

13.0 LOCAL VENDOR/SUPPLIER PREFERENCE

13.1 The Corporation does not have or use any "Local Vendor or Supplier Preference" in its dealings, in order to comply with the Ontario Discriminatory Business Practices Act, R.S.O., 1990, as amended.

14.0 SALESPERSONS/VENDORS

14.1 The Purchasing Department shall maintain a database of potential vendors. The onus is on the vendor to supply the Corporation with their company information including the categories of goods and services supplied. The Corporation will do its best to notify all potential vendors of bid opportunities but will not be responsible for vendors inadvertently missed. The onus is on potential vendors to review the website from time to time for bid opportunities that may be of interest to them.

15.0 ISSUING/AUTHORIZATION OF PURCHASE ORDERS

15.1 Purchase Orders can be issued and/or authorized only by:
a) Department Heads
b) Staff designated by the Department Heads

16.0 ITEMS NOT REQUIRING PURCHASE ORDERS

16.1 A Purchase Order is not required for the following items or group of items unless specifically requested by the vendor/supplier involved:
Including but not limited to professional services (legal and audit), insurance premiums, postage, grant payments to agencies, utilities, traveling expenses, conferences, memberships, subscriptions, petty cash purchases, City purchasing card purchases, training and education, refundable employee expenses, licenses and government remittances.

17.0 ADVERTISING

17.1 Requests for bids shall be advertised on the Corporation's website and where effective in the opinion of the Manager of Financial Services in local newspapers and applicable publications or where necessary to comply with all existing statutory regulations.

18.0 BID ADDENDUM

18.1 In no instance shall anyone except the Manager of Financial Services or his designate, issue any verbal or written changes on a request for a bid. All changes must be done through addendum issued with the approval of the Manager of Financial Services.

19.0 BID DEPOSITS

19.1 Bid deposits of no less than 5% of the estimated value of the work shall be required to accompany bid submissions for the following:

- 1) All bids for municipal construction projects in excess of \$100,000.
- 2) Special contracts or scope of work as deemed appropriate by the Manager of Financial Services and the Department.

19.2 A bid deposit shall be provided in one of the following formats:

- 1) Bid bond issued by a bonding agency licensed to operate in the Province of Ontario naming the Corporation as the obliged.
- 2) A certified cheque made payable to the Corporation.
- 3) An irrevocable letter of credit naming the Corporation as the beneficiary.
- 4) Money orders made payable to the Corporation.

5) Bank draft made payable to the Corporation.

19.3 The City does not pay interest on any bid deposits.

19.4 The City reserves the right to turn the bid deposit of the successful bidder into a financial guarantee if specified in the bid documents.

20.0 BONDING REQUIREMENTS

20.1 Performance, labour and material, and/or maintenance bonds issued by a bonding agency licensed to operate in the Province of Ontario, are required for all construction projects exceeding \$100,000 for a minimum of 50% of the bid amount. The cost for bonding is to be included in the bid price.

20.2 All bonds must be originals, signed and sealed. No facsimile or photocopies will be accepted.

20.3 Where performance, labour and material and/or maintenance bonding is required, an agreement to bond must be included with the bid submission.

20.4 For some smaller construction projects under \$250,000 an irrevocable letter of credit for 100% of the bid amount may be accepted in lieu of bonding if specified in the bid documents. Such irrevocable letter of credit must include terms and conditions acceptable to the City of Stratford as specified in the bid documents.

21.0 INSURANCE

21.1 The standard insurance minimums are as follows:
\$2 million – commercial general liability policy
\$2 million – owned and non-owned automotive liability policy
\$2 million – homeowners (e.g. for rental of facilities)
\$2 million – professional errors and omissions liability (as applicable)
\$2 million – environmental impairment liability (as applicable)
The amount of the project cost - Builders Risk (as applicable)

21.2 The successful bidder must provide the Corporation at their cost a certified copy of a liability insurance policy covering public liability and property damage for no less than the minimum amounts stated above to the satisfaction of the Corporation and in force for the entire contract period and subsequent maintenance period. The policy must contain:
(1) a Cross Liability clause or endorsement;
(2) an endorsement certifying that the Corporation as an additional named insured;
(3) an endorsement to the effect that the policy will not be altered, cancelled or allowed to lapse without thirty days prior written notice to the Corporation.

The City of Stratford may require coverage for other hazards as required on a project basis.

22.0 RISK MANAGEMENT

22.1 The Manager of Financial Services shall from time to time, as required, review Risk Management Clauses, and develop new Clauses as needed.

22.2 The Corporation is to ensure that any vendors engaged to carry out work for the City or local boards shall comply with any and all applicable Municipal, Provincial and Federal legislation.

23.0 RECEIPT OF BIDS

23.1 All Tenders, Quotations, and Request for Proposals, must be received by the Purchasing Department, City Hall, 1 Wellington Street, Stratford, Ontario, unless otherwise specified. The number of bids issued, number of bids received and the name of the bidders is confidential and must not be divulged prior to the tender opening, except in the case of construction requests for tenders where sub-trades may need to know what general contractors are considering submitting tenders.

24.0 BID ANALYSIS

24.1 Bid submissions shall be analyzed by the initiating Department staff and a recommendation made. The dollar amount will determine which level of approval is required. Prior to the undertaking of the work the Department is to ensure all the required documentation such as insurance certificates, bonding, WSIB certificates and contracts are in place.

25.0 BID IRREGULARITIES

25.1 Bid irregularities are defined in Schedule A.

26.0 BIDS WITH EQUAL TOTAL PRICES

26.1 If two low Bids are found to be equal in price, quality and service, the successful bidder shall be determined by coin toss. The coin toss shall be performed by the Manager of Financial Services in the presence of representatives of the Department and the tied bidders.

27.0 PROCESS FOR REDUCING COST OF OVERBUDGET BID SUBMISSIONS

27.1 If the lowest bid is within 10% of the budget amount the Corporation has the right to reject all bids or negotiate with the low bidder. Negotiations shall be in writing.

27.2 If the lowest bid is more than 10% higher than the budget amount the Corporation has the right to reject all bids, negotiate with the lowest bidder in writing or request potential cost savings from the three lowest bidders and any other bidders who prices are within 10% of the lowest bid received. All requests and submissions shall be made in writing. Listed sub trades may not be substituted in this process.

27.3 Once potential cost savings have been identified the Corporation has the right to request a final revised base bid submission from the bidders.

27.4 Requests for potential cost savings shall be limited to deletions from the scope of work and associated changes or changes of materials and finishes. The Corporation shall not request pricing of significant design modifications without the approval of the bidder(s).

28.0 BID WITHDRAWAL

28.1 Requests for withdrawal of a bid shall be allowed if the request is made before the closing time. Requests must be directed to the Manager of Financial Services by a Senior Official of the company with a signed withdrawal confirming the details. Telephone requests will not be considered. The withdrawal of a bid does not disqualify a bidder from submitting another bid on the same contract.

- 28.2 Should a bidder wish to withdraw their bid subsequent to the closing time or fail to proceed with the contract, the Manager of Financial Services shall obtain legal advice. Remedies may be sought including recovery of costs associated with actions taken as a result of the withdrawal or failure to proceed. At a minimum the bidder may forfeit their bid security and be prohibited from bidding on future opportunities for a period of one year.
- 28.3 The City reserves the right to withdraw any posted tenders, quotations and Requests for Proposal prior to closing. Such withdrawal will be posted as an addendum. The City also reserves the right to accept or reject any bids.
- 29.0 DISPUTE RESOLUTION
- 29.1 Disputes shall be resolved as follows:
- a) Meeting between the bidder, department representative making the purchase and the Manager of Financial Services
 - b) If (a) does not lead to a resolution the decision may be appealed to the Director of Corporate Services
 - c) If (b) does not lead to a resolution, the decision may be appealed to Council or to the appropriate local board.
- 30.0 DISPOSAL OF SURPLUS GOODS
- 30.1 The Manager of Financial Services shall, from time to time, dispose of any surplus goods not required by the Corporation by way of:
- a) sealed bid,
 - b) sale by auction or consignment,
 - c) direct negotiation with buyers
 - d) donation to a charitable organization
- 30.2 No employee, member of Council, member of a local board or the public shall be allowed to purchase any surplus goods directly from the City.
- 30.3 Surplus goods and/or products, at the discretion of the Manager of Financial Services and Department Head involved, may become the property of the Contractor, to be disposed of at their discretion.
- 31.0 SOURCE SELECTION CRITERIA
- 31.1 The City uses the following criteria for the selection of the method for the acquisition of goods/services:
- a) total dollar value as estimated for the product/project
 - b) availability of vendors capable of supplying product.
 - c) pre-determined qualification of vendors/suppliers.
 - d) nature of need of product, such as an emergency situation which requires immediate attention.
- 32.0 SOURCE SELECTION METHODS AND APPROVAL AUTHORITY
- 32.1 The City of Stratford uses the following methods of purchasing Goods and Services:
- 1) Standard Purchases (Up to \$25,000)
 - 2) Sealed Quotations (\$25,000 to \$100,000)
 - 3) Sealed Tenders (\$100,000 and up)
 - 4) Request for Proposal

- 5) Sole Source Purchases
- 6) Purchase at Public Auction
- 7) Emergency Purchases

Dollar Amount	Authorization Required	Council Process
Less than \$25,000	Any employee authorized by the Department Head	No requirement to notify Council or local board
\$25,000 to \$100,000	Director	Notification of quotation call through Consent Agenda
Greater than \$100,000	Council and local board if applicable	Notification of tender call through Consent Agenda, awarded through By-law

32.2 Where it is deemed to be in the best interest of the City of Stratford, a request for expression of interest or the prequalification of potential vendors may precede the issuing of quotes, tenders or request for proposals.

33.0 STANDARD PURCHASES (Up to \$25,000)

33.1 A Standard Purchase is one in the amount up to \$25,000 and is accomplished by using a Purchase Order. For purchases greater than \$5,000 but less than \$25,000, the Department is first to obtain at least three (3) written quotations whenever possible. Quotations must be submitted on the standard quotation form provided by purchasing. Quotation documents and specifications can be issued and received by e-mail or fax transmission at the Department location.

34.0 SEALED QUOTATIONS (\$25,000 to \$100,000)

34.1 Competitive sealed quotation bidding will be the source selection used when the following conditions prevail:

- a) The item to be purchased is budgeted to cost between \$25,000 and \$100,000.
- b) Clear and adequate specifications for the item or service are available or can be developed.
- c) Adequate competition is available. Two or more responsible bidders are able to satisfy the buyer's requirements and criteria set forth in the Invitation to Bid, and independently contend for the contract.
- d) Sufficient time is available for the preparation of bid invitations, advertising and preparation of bids submissions by vendors.

34.2 Quotations to be awarded are not subject to City Council or local board approval as provided for in this policy; however, prior notification to Council and to the local board if applicable through the Consent Agenda is required when seeking sealed quotes.

35.0 SEALED TENDERS (\$100,000 and up)

35.1 Competitive sealed tender bidding will be the source selection used when the conditions in Sealed Quotations prevail, with the exception the cost of the item to be purchased is budgeted to exceed \$100,000.

35.2 Prior notification to Council and to the local board if applicable through the Consent Agenda is required when calling tenders. Council approval shall be in the form of a By-Law and shall be preceded by local board approval if applicable.

36.0 REQUEST FOR PROPOSAL

- 36.1 A Request for Proposal is used when the goods/services are of a highly specialized or flexible nature. In these cases a proposal call will be made to obtain specific offers from bidders to fulfill the requirements for the goods and services at a particular price.
- 36.2 The only consideration in using this method is that the submissions received in a Request for Proposal require analysis by an evaluation committee before making a decision on a successful bidder.
- 36.3 Prior notification to Council and to the local board if applicable on the Consent Agenda is required. The evaluation criteria and process shall be approved by the Manager of Financial Services prior to the issuance of the Request for Proposal. Request for Proposals budgeted to exceed \$100,000 are to be awarded by By-law.
- 36.4 Proposals shall be received in a public opening and only the names of the bidders will be read aloud.

37.0 SOLE SOURCE PURCHASES

- 37.1 A sole source supplier shall be the only acceptable vendor who is able to furnish a certain product or service. In all cases, sole source purchases will not be permitted because there is a preference for a particular brand. The Department Head, in discussion with the Manager of Financial Services, will be responsible for making all sole source determinations. In doing so, he must consider:
- a) Is there a lack of responsible competition for a product or service that is vital to the operation of the Corporation.
 - b) Does the supplier possess exclusive capabilities?
 - c) Is the product or service unique and easily established as one of a kind?
 - d) Can program requirements be modified so that competitive products or services may be used?
 - e) Are there patented or proprietary rights that fully demonstrate:
 1. A feature providing a superior utility not obtainable from similar products?
 2. A product is available from only one prime source, and not merchandized through wholesalers, jobbers or retailers where competition could be encouraged.
 3. What would the user department do if the product or service were discontinued.
 4. In the case of any sole source purchase, the Manager of Financial Services shall retain a statement in writing from the Head of the department requiring the good or service, which verifies that the item or service purchased can be obtained from only one supplier and therefore meet the Sole Source criteria.

38.0 EQUIPMENT REPAIRS

- 38.1 In the case of equipment repairs for amounts not exceeding \$25,000, the Manager shall be authorized to select from various vendors not solely on the basis of cost, but also on ability, quality or workmanship, service availability, overall performance and experience without first obtaining quotations.

39.0 CONSULTANTS

- 39.1 The Corporation shall issue a Request for Proposal for architectural services for city building projects in excess of \$300,000.

39.2 From time to time, consultants are required to provide specialized expertise on various matters involving engineers, architects and management professionals. Consultants would not involve the Corporation's ongoing legal counsel, audit services and planning advice (special projects excluded). For projects where the consultant's fees are expected to be in excess of \$60,000 for an individual project, the City of Stratford's corporate policy C.2.1, Hiring of Consultants will apply.

The award is subject to Council approval which shall be preceded by local board approval if applicable.

40.0 PURCHASE AT PUBLIC AUCTION

40.1 In instances where a department wishes to purchase through public auction, the Department Head shall advise the Manager of Financial Services of the conditions involved in the proposed transaction, prior to the event.

41.0 EMERGENCY PURCHASES

41.1 Emergencies shall exist when there is a threat to health, welfare, or safety of people/or property, or when the operation of a portion of the Corporation is in jeopardy. Purchasing shall, in various cases, delegate the purchasing function to the user department for Emergency Purchases. Control, however, will not be delegated, and the end user department will be required to forward a complete record of the emergency purchase to the Purchasing Department.

42.0 LONG-TERM TENDERS/QUOTATIONS

42.1 Long-term tenders and quotations may be entered into for everyday goods and services when the following conditions apply:

- a) To obtain satisfactory pricing.
- b) To provide uniformity within the Corporation.
- c) To maintain departmental inventories as required.
- d) To reduce the amount of paperwork by eliminating day to day issuing of Purchase Orders and invoicing.
- e) To allow each department to have accurate figures for annual budgets for operating supplies.

43.0 RETENTION OF DOCUMENTATION

43.1 All background information, information submitted by vendors, purchase orders and other relevant information involved in obtaining prices for goods and services exceeding \$25,000 shall be retained in the Department for the current year and (7) years in records retention.

44.0 PURCHASING PROCESS REVIEW

44.1 The Manager of Financial Services may randomly review departmental purchasing related files on an on-going basis to review the effectiveness and integrity of the processes and policy adherence. Every three (3) years this policy will be reviewed with a report being made to Council.

45.0 PURCHASING PROCEDURES

45.1 Purchasing procedures as determined by the Manager of Financial Services are to be used as a guideline and for information on purchasing goods and services in compliance with this policy.

46.0 EXEMPTION BY COUNCIL

46.1 A Department or Local Board may request exemption from any or all the purchasing methods outlined in this policy by submission of a report requesting the same to Council. Such exemption may be granted by resolution.

47.0 ACQUISITION OF GOODS AND SERVICES FROM GOVERNMENT BODIES

47.1 The Department Head may acquire any goods and services from a Federal, Provincial or Municipal body, ministry, agency, board, corporation or authority when similar goods or services are not available from other sources or in the case of Provincial or Federal standing agreements. The Department Head may take advantage of these opportunities if they are deemed to be in the best interest of the City. See 3.7

48.0 TECHNOLOGY SOLUTIONS

48.1 All technology solutions that will be connected to a City of Stratford system or network including but not limited to computer equipment and peripherals, software solutions, telephone and cellular equipment, PDA's and portable computing devices, MUST BE ordered through the Corporate Services Department of the City of Stratford. This department will call quotations/tenders/requests for proposals for items over \$5,000 in accordance with this policy. Exceptions to this clause include technology or automated solutions that do not require computer process, network or communication configuration.

49.0 NO LOBBYING

a) No bidder shall contact any member of Council, Local Board or any employee of the City of Stratford to attempt to influence the award of the contract. Any activity designed to influence the decision process, including, but not limited to, contacting any member of Council, Local Board or employee of the City of Stratford for such purposes as meetings of introduction, social events, meals or meetings related to the selection process, will result in disqualification of the bidder for the project to which the influential activity is deemed to be directed. Notwithstanding the above, this prohibition does not apply to meetings specifically scheduled by the City of Stratford for presentations or negotiations, or to questions of staff for clarification of the City's requirements.

b) In addition, no bidder who has been awarded the contract shall engage in any contract or activities in an attempt to influence any member of Council, Local Board or any employee of the City of Stratford with respect to the purchase of additional enhancements, options, or modules. However, a contractor may communicate with staff, for purposes of administration of the contract during the term of the contract.

c) The determination of what constitutes influential activity is in the sole discretion of the City acting reasonably, and not subject to appeal.

d) In addition to the code of conduct for Council members, no member of Council, Local Board or any employee of the City of Stratford shall contact bidders in an attempt to influence the award of a contract. Clause 49 above shall apply in reverse for members of Council, local Boards and employees of the City of Stratford.

Schedule "A"

Bid Irregularities

Bid Irregularities

A bid irregularity is a deviation between the requirements (terms, conditions, specifications, special instructions) of a bid request and the information provided in a bid response. For the purposes of this policy, bid irregularities are further classified as "major irregularities" or "minor irregularities"

A "major irregularity" is a deviation from the bid request that affects the price, quality, quantity or delivery, and is material to the award. If the deviation is permitted, the bidder could gain an unfair advantage over competitors. A bid with major deviations must be rejected.

A "minor deviation" is a deviation from the bid request, which affects form, rather than substance. The effect on the price, quality, quantity or delivery is not material to the award. If the deviation is permitted or corrected, the bidder would not gain an unfair advantage over competitors. The bidder will be permitted to correct a minor irregularity.

Mathematical Errors – Corrections by Staff

Errors in mathematical extensions and/or taxes and unit prices will be corrected by the Corporation and the bidder will be notified of the correction.

Vendor Withdrawal

In the event that the vendor withdraws their bid due to the identification of a major irregularity, the vendor will forfeit their bid deposit and the Corporation has the right to disqualify such vendor from participating in future bid opportunities for a period of up to one year.

BID IRREGULARITIES

ITEM	DESCRIPTION	MAJOR	MINOR	ACTION
1.	late bids	X		automatic rejection
2.	bids completed in pencil	X		automatic rejection
3.	bid surety not submitted with the bid when the bid request indicated that such surety is required	X		automatic rejection
4.	EXECUTION OF AGREEMENT TO BOND: a. Bond company corporate seal or equivalent proof of authority to bind company or signature missing	X		automatic rejection
	b. surety company not licensed to do business in Ontario	X		automatic rejection
5.	EXECUTION OF BID BONDS: a. corporate seal or equivalent proof of authority to bind company or signature of the BIDDER or both missing	X		automatic rejection
	b. corporate seal or equivalent proof of authority to bind company or signature of BONDING COMPANY missing	X		automatic rejection
6.	OTHER BID SECURITY: Cheque which has not been certified	X		automatic rejection
7.	unsealed tender envelopes	X		automatic rejection

8.	pricing, specifications page or signature pages missing or unsigned	X		automatic rejection
9.	insufficient financial security (ie: no deposit or bid bond or insufficient deposit)	X		where security is required and amount of security is specified in request, automatic rejection
10.	bid received on documents other than those provided in request		X	acceptable at the discretion of the Department Head
11.	bid document does not acknowledge addendums issued	X		automatic rejection
12.	EXECUTION OF BID DOCUMENT proof of authority to bind is missing	X		automatic rejection
13.	part bids (all items not bid)	X or	X	acceptable unless complete bid has been specified in the request
14.	bids containing minor clerical errors		X	2 working days to correct initial errors
15.	uninitialed changes to the request documents which are minor		X	2 working days to correct initial errors
16.	alternate items bid in whole or in part		X	available for further consideration unless specified otherwise in request
17.	unit prices in the schedule of prices have been changed but not initialled		X	2 working days to correct initial errors
18.	other mathematical errors which are not consistent with the unit prices		X	2 working days to correct initial corrections
19.	pages requiring completion of information by vendor are missing or incomplete	X		automatic rejection
20.	bid documents which suggest that the bidder has made a major mistake in calculations or bid	X or	X	consultation with a Solicitor on a case-by-case basis
21.	bid qualified or restricted by a statement of alteration added to any part of the document	X		automatic rejection