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PROCUREMENT POLICY

SECTION 1 – PURPOSE AND PRINCIPLES

1.1 Purpose

The purpose of this policy is to detail the principles, procedures, roles, and responsibilities for the City's Procurement operations.

1.2 Principles

The City is committed to conducting its Procurement operations in accordance with the following principles:

- (a) compliance and consistency with applicable legislation, trade agreements, policies, and procedures;
- (b) open, fair, and transparent processes that afford equal access to all qualified Suppliers;
- (c) reciprocal non-discrimination and geographic neutrality with respect to its trading partners in accordance with trade treaty obligations;
- (d) achieving best value through consideration of the full range of Procurement formats and the adoption of commercially reasonable business practices;
- (e) to encourage the procurement of goods and/or services with due regard to the preservation of the natural environment;
- (f) to promote, and incorporate wherever possible the procurement of goods and/or services, the requirements of the *Ontarians with Disabilities Act, 2001*, S.O. 2001, c. 32, as amended;
- (g) effective balance between accountability and efficiency; and
- (h) ensuring adherence to the highest standards of ethical conduct.

SECTION 2 – INTERPRETATION AND APPLICATION

2.1 Defined Terms

Terms used in this policy are defined in the Glossary of Terms (Schedule A).

2.2 Application

This policy applies to the Procurement of all Deliverables with the exception of the exclusions set out in Schedule B of this policy. Procurement includes the acquisition of Deliverables by purchase, rental, or lease.

This policy does not apply to:

- (a) Contracts or agreements relating to hiring of employees or employee compensation or reimbursement of employee expenses; or
- (b) Contracts or agreements for the sale, purchase, lease or license of land or existing buildings.

2.3 Authorization Schedule

The Authorization Schedule (Schedule D) sets out the authorities for:

- (a) initiating a procurement;
- (b) conducting a Procurement process and approving the award of a Contract;
- (c) issuing Purchase Orders and signing Contracts on behalf of the City; and
- (d) approving amendments to existing Contracts.

2.4 Procurement Protocols and Procedures

Procurement Services is responsible for developing and maintaining detailed protocols and procedures to support this policy. All procurements covered by this policy must be conducted in accordance with all applicable protocols and procedures.

2.5 Emergency Purchases

Notwithstanding any other provisions of this policy, where an emergency exists and prior approval of the Head of Procurement Services cannot be obtained, a Department Head, or their designate, may authorize any officer or employee to acquire required Deliverables in an expedited manner.

For the purposes of this policy, an emergency exists when an unforeseeable situation or event occurs that is a threat to any of the following:

- (a) public health and/or safety;
- (b) the maintenance of essential services;
- (c) the welfare of persons or public property; or
- (d) the security of the City's interests.

Situations of urgency resulting from the failure to properly plan for a Procurement do not constitute an emergency.

2.6 Co-operative Purchasing

The City may participate in co-operative or joint purchasing initiatives with other entities where such initiatives are determined to be in the best interests of the City. If the City participates in such co-operative

or joint purchasing initiatives, the City may adhere to the policies of the entity conducting the purchasing process, provided that such policies comply in spirit with this policy. If the City is leading a co-operative or joint purchasing initiative, this policy will be followed.

SECTION 3 – ETHICAL CONDUCT AND CONFLICTS OF INTEREST

3.1 Conduct and Conflicts of Interest

The City's Procurement activities must be conducted with integrity, and all individuals involved in the City's Procurement activities must act in a manner that is consistent with the principles and objectives of this policy and in accordance with the City's Code of Conduct.

All participants in a Procurement process, including any outside consultants or other service providers participating on behalf of the City, must declare any perceived, possible, or actual conflicts of interest.

"Conflict of interest," when applied to the activities of the City and its consultants or service providers, means a conflict or tension between one's private interests and one's public or fiduciary duties.

3.2 Supplier Conduct and Conflicts of Interest

The City requires its Suppliers to act with integrity and conduct business in an ethical manner.

All Suppliers participating in a Procurement process or providing Deliverables to the City must declare any perceived, possible, or actual conflicts of interest and must conduct themselves in accordance with the Supplier Code of Conduct in Schedule E of this policy.

The City may refuse to do business with any Supplier that has engaged in illegal or unethical bidding practices, has an actual or potential conflict of interest or an unfair advantage, or fails to adhere to ethical business practices.

SECTION 4 – ROLES AND RESPONSIBILITIES

4.1 Role and Responsibilities of the CAO

It is the role of the CAO to establish policy and approve expenditures through the City's budget-approval process. Through this policy, the CAO delegates to the City's officers and employees the authority to incur expenditures in accordance with approved budgets through the Procurement of Deliverables in accordance with the rules and processes set out in this policy and applicable protocols and procedures. The CAO may provide strategic direction and guidance on major projects prior to the commencement of the Procurement process; however, the CAO will not generally be involved in the day-to-day Procurement operations or individual Procurement processes, except to the extent that the approval of the CAO is required under this policy or in the event that an exception to this policy is required.

4.2 Roles and Responsibilities of Officers and Employees

Specific responsibilities pertaining to all stages of a Procurement process, from the initial identification of requirements through to the management of Contracts with Suppliers, are detailed in this policy and

applicable protocols and procedures. In addition to those specific responsibilities, the general roles and responsibilities delegated to the City's officers and employees are set out below.

4.2.1 Head of Procurement Services

It is the role of Procurement Services to lead the City's Procurement operations. In fulfilling this role, the Head of Procurement Services, or designate, is responsible for:

- (a) ensuring the consistent application of this policy and the provision of Procurement services to the Departments efficiently and diligently;
- (b) developing Procurement strategies and continually analyzing business requirements and spending patterns to identify opportunities for more strategic sourcing;
- (c) researching, developing, maintaining, updating, and communicating Procurement protocols, procedures, and templates;
- (d) addressing any issues or concerns that arise in respect of a Procurement process and seeking guidance, support, and advice of Legal Services, as required; and
- (e) providing appropriate orientation, training, and tools to employees involved in Procurement activities.

4.2.2 Department Heads

It is the role of the Departments to ensure that their requirements for Deliverables are met in accordance with the principles and objectives of this policy. In fulfilling this role, Department Heads are responsible for ensuring that their Department complies with this policy and all applicable protocols and procedures, encouraging sound Procurement practices and ensuring the provision of appropriate education and training to employees involved in Procurement activities.

Department Heads will be held accountable for any decision to proceed with a Procurement process or transaction that is not conducted in accordance with this policy or does not have the approval of Procurement Services.

4.2.3 Department Employees

Employees of all Departments are responsible for complying with this policy. Department employees involved in Procurement activities must understand their obligations and responsibilities under this policy and all applicable protocols and procedures, and they should consult with Procurement Services in respect of any questions regarding the application or interpretation of this policy or any relevant procedures.

4.2.4 Procurement Services Employees

Employees of Procurement Services are responsible for complying with this policy and ensuring this policy and all protocols and procedures are applied consistently. Procurement Services employees must understand their obligations and responsibilities under this policy and all applicable protocols and procedures, and they should consult with the Head of Procurement Services in respect of any questions regarding their application or interpretation.

4.2.5 Legal Services

It is the role of Legal Services to provide legal advice and assistance on the City's Procurement activities and its relationships with Suppliers. In fulfilling this role, Legal Services is responsible for:

- (a) advising the Head of Procurement Services as required on legal issues arising from Procurement activities and reviewing and approving specific Solicitation Documents and related documentation referred for legal review by the Head of Procurement Services;
- (b) providing advice on the finalization of Contracts and agreements and reviewing and advising on proposed changes to the City's standard terms and conditions, legal agreements, and Solicitation Document templates; and
- (c) providing legal advice and counsel to the City in the event of a Contract dispute or legal challenge flowing from a Procurement process.

4.3 Procurement Review Committee

The City will establish a Procurement Review Committee ("PRC") for the purpose of making determinations under:

- (a) the Non-Standard Procurement Protocol;
- (b) the Procurement Protest Protocol; and
- (c) the Supplier Suspension Protocol;

and for considering and providing input on other Procurement matters that may be referred to it by the Head of Procurement Services.

The PRC will include the Head of Procurement Services and at least two other senior-level officers or employees of the City. Legal Services will provide guidance and advice to the PRC, as required.

SECTION 5 – ESTABLISHMENT OF SUPPLY ARRANGEMENTS

5.1 Recurring Requirements

Before initiating a procurement, Departments must consider the availability of existing supply arrangements. If the Deliverables will be required on a frequent or regularly recurring basis, and there is no existing supply arrangement, the Department must consult with Procurement Services about the possibility of establishing a Standing Offer or Qualified Supplier Roster.

5.2 Standing Offers

Standing Offers may be established for standardized Deliverables to be purchased by all Departments, where:

- (a) the requirements for Deliverables are recurring and predictable over an extended period of time;

- (b) the requirements are standard and clearly defined at the time of establishment of the Standing Offer; and
- (c) it is possible to fix pricing for the Deliverables for the duration of the Standing Offer.

The establishment of a Standing Offer does not create a contractual commitment to procure Deliverables from the Supplier. The commitment to purchase against a Standing Offer is formed at the time a specific order is placed through the issuance of a Purchase Order to the Supplier.

The Head of Procurement Services is authorized to establish Standing Offers through an Open Competition. The Open Competition will be managed by Procurement Services, with the co-operation and involvement of subject-matter experts from the relevant Department(s). If multiple Standing Offers are established for the same goods or services, clear ranking methodologies and call-up procedures must be specified.

5.3 Qualified Supplier Rosters

Qualified Supplier Rosters may be established to prequalify Suppliers that will be eligible to compete for discrete work assignments involving the delivery of a particular type of Deliverables, as and when required.

The establishment of a Qualified Supplier Roster does not create a contractual commitment to procure Deliverables from any of the Suppliers. When Deliverables are required, a Roster Competition will be conducted for the purposes awarding a contract to one of the qualified Suppliers.

The Head of Procurement Services is authorized to conduct Open Framework Competitions to establish Qualified Supplier Rosters. The Open Framework Competition will be managed by Procurement Services, with the co-operation and involvement of the Department(s), in accordance with the Qualified Supplier Roster Protocol.

SECTION 6 – PROCUREMENT OF DELIVERABLES

6.1 Procurement Planning

Effective Procurement planning is essential to ensuring an effective result and to limiting risk to the City. Departments must ensure that they leave sufficient time to plan for a procurement, including time for:

- (a) developing proper specifications and business requirements;
- (b) obtaining internal reviews;
- (c) conducting a Competitive Process, as required; and
- (d) obtaining necessary approvals.

Departments must follow the Procurement Planning Protocol.

6.2 Market Research

Where the Department is uncertain about the Deliverables required or where there is insufficient internal knowledge about the market, the Department must consult with Procurement Services about conducting a Request for Information (“RFI”) process. An RFI process must be openly posted in order to gather market research from prospective Bidders. It must not be used as a prequalification tool.

6.3 Procurement Value

It is important to accurately estimate the value of the Procurement to determine the appropriate Procurement method and ensure compliance with the requirements of this policy. Departments must refer to the Procurement Planning Protocol for additional guidance on determining the Procurement Value.

6.4 Contract-Splitting

Subdividing, splitting or otherwise structuring Procurement requirements or contracts in order to reduce the value of the Procurement or in any way circumvent the requirements or intent of this policy is not permitted.

6.5 Initiating Procurement

Unless specifically permitted under this policy or the Procurement protocols or procedures, Departments are not permitted to procure Deliverables or engage with potential Suppliers regarding the Procurement of Deliverables without the involvement of Procurement Services. All procurements must be initiated in accordance with the Procurement Planning Protocol.

6.6 Procurement Authorization

Before any Procurement process begins, authorization of the Procurement and delegation of authority to procure must be obtained in accordance with the Authorization Schedule.

6.7 Standard Procurement Methods

Depending on the nature, value, and circumstances of the procurement, the City may procure Deliverables through the following standard Procurement methods. The various thresholds are set out in Schedule C of this policy.

6.7.1 Existing Supply Arrangement

6.7.1.1 Ordering from Standing Offer

When a Standing Offer is available, its use is mandatory for all Departments. To purchase from the Standing Offer, the Department can submit an authorized Purchase Order requisition to Procurement Services or order directly. A purchaser order referring to the Standing Offer details should be created and sent to the Supplier. The Purchase Order referencing the Standing Offer and reflecting the pre-negotiated prices and terms and conditions of the Standing Offer will be created and issued to the Supplier by the Head of Procurement Services.

6.7.1.2 Roster Competition

If the Deliverables are available under an existing Qualified Supplier Roster, they must be acquired through a Roster Competition.

Roster Competitions will be managed by Procurement Services, with the co-operation and involvement of the Department, in accordance with the Qualified Supplier Roster Protocol.

6.7.2 Low-Value Procurement

Where the Procurement Value is below the Low-Value Procurement Threshold and the Deliverables are not covered under an existing Standing Offer or Qualified Supplier Roster, Departments may make Low-Value Procurements without the involvement of Procurement Services.

It is the responsibility of the Department to determine if there is an existing Standing Offer or Qualified Supplier Roster for the required Deliverables before making a purchase. When available, the Deliverables must be purchased in accordance with the terms of the Standing Offer or in accordance with the Qualified Supplier Roster Protocol.

For Low-Value Procurements, the Department is only required to obtain one quote and may acquire the Deliverables using petty cash or a corporate purchasing card or by submitting a Purchase Order requisition to the Head of Procurement Services.

Where practical, departments are encouraged to obtain multiple quotes to ensure they are obtaining best value. Quotes may be obtained through advertisements or Supplier catalogues or by contacting the potential Supplier(s) by telephone or email.

The Department Head is responsible and accountable for Low-Value Procurements and may authorize specific individuals within the Department to make Low-Value Procurements and may assign specific spending authority limits.

If a Department anticipates making multiple Low-Value Procurements of the same Deliverables and the total value of those purchases may exceed the applicable Low-Value Procurement Threshold, the department must contact Procurement Services to discuss the possibility of setting up a Standing Offer or Qualified Supplier Roster.

Procurement Services is available to assist Departments with Low-Value Procurements, and Departments may request that Procurement Services conduct an Invitational Competition for any Low-Value Procurement.

6.7.3 Invitational Competition

An Invitational Competition, in which Bids are solicited from a minimum of three Suppliers, is the standard method of Procurement when the Procurement Value is between the Low-Value Procurement Threshold and the Open Competition Threshold.

Invitational Competitions will be managed by Procurement Services, with the co-operation and involvement of the Department, in accordance with the Invitational Competition Protocol.

Procurement Services may delegate the authority to conduct an Invitational Competition to a Department, on either a standing basis or a case-by-case basis. Where a Department has delegated authority to conduct an Invitational Competition, the Department Head is responsible and accountable for ensuring that the process is conducted in accordance with the Invitational Competition Protocol.

Open Competition may be conducted in lieu of an Invitational Competition, where the Head of Procurement Services, in consultation with the Department, determines that it would be in the City's best interest.

6.7.4 Open Competition

An Open Competition, in which Bids are solicited from all interested Suppliers through a publicly posted Solicitation Document, is the standard method of Procurement when the Procurement Value equals or exceeds the Open Competition Thresholds.

Open Competitions must also be used to establish Standing Offers if the value of Standing Offer is above Open Competitive Threshold unless there is an applicable Collaborative Agreement.

Open Competitions may include two-stage Procurement processes in which a prequalification process is conducted by soliciting and evaluating submissions from all interested Suppliers in order to establish a short list of prequalified Suppliers that will be eligible to submit a Bid in response to a second-stage Solicitation Document. A two-stage Procurement process may be used whenever determined appropriate by the Head of Procurement Services, in consultation with the Department.

Open Competitions will be managed by Procurement Services, with the co-operation and involvement of the Department, in accordance with the Open Competition Protocol.

6.8 Non-Standard Procurement

Non-Standard Procurement means the acquisition of Deliverables through a method other than the standard method for the type and value of the Deliverables, as set out above under Section 6.7.

Non-standard Procurement methods include:

- (a) acquiring Deliverables directly from a particular Supplier without conducting a Competitive Process when an Invitational Competition or an Open Competition would normally be required; and
- (b) soliciting Bids from a limited number of Suppliers without conducting an open prequalification process when an Open Competition would normally be required.

The use of a Non-Standard Procurement process is permitted only under the specific circumstances set out in the Non-Standard Procurement Protocol and must be approved in accordance with the Non-Standard Procurement Protocol.

Under no circumstances will a Non-Standard Procurement be used for the purpose of avoiding competition among Suppliers or in a manner that discriminates against or advantages Suppliers based on geographic location.

6.9 Contract Award and Finalization

Contracts must be awarded in accordance with this policy and the applicable protocol(s) governing the Procurement process and must be authorized in accordance with the Authorization Schedule.

A Contract may be entered into through the execution of a legal agreement and/or the issuance of a Purchase Order evidencing the contract. The Contract must be entered into prior to the delivery or provision of the Deliverables.

The Head of Procurement Services has delegated authority to issue Purchase Orders on behalf of the City. Agreements must be signed in accordance with the Authorization Schedule.

No Contract may be entered into, either through the issuance of a Purchase Order or the execution of an agreement, unless:

- (a) approved funding in an amount sufficient to cover the Procurement Value is available;
- (b) the Procurement process was conducted in accordance with this policy; and
- (c) applicable protocols and all required authorizations have been obtained.

SECTION 7 – SUPPLIER RELATIONS AND CONTRACT MANAGEMENT

7.2 Debriefings

Where the City has conducted an Open Competition, unsuccessful Suppliers may request a debriefing.

7.3 Procurement Protests

Suppliers may formally protest the outcome of a Procurement process, and will be managed by Procurement Services in a timely manner.

7.4 Contract Management

All contracts for Deliverables must be managed by the Department making the acquisition. Master Framework Agreements will be managed by Procurement Services in accordance with the Qualified Supplier Rosters Protocol.

7.5 Contract Extensions or Amendments

Contract extensions and amendments must not be used to expand a Contract beyond what was contemplated under the terms of the Contract and the original Procurement process or to circumvent the need to procure additional Deliverables through a Competitive Process in accordance with this policy.

During the course of a contract, additional work may arise that could not be anticipated during the project planning process. Contract amendments for adjustments to the scope of the Contract may be approved if the adjustment is for work that is directly connected or incidental to the original Contract scope.

The expansion or extension of a Contract to procure Deliverables that were not contemplated in the original Procurement is a Non-Standard Procurement and, if the total cumulative value of the additional Deliverables equals or exceeds the Open Competition Threshold, the Non-Standard Procurement must be approved in accordance with the Non-Standard Procurement Protocol. Where a Contract is amended or extended more than once, the total cumulative value of the additional Deliverables includes the value of all previously approved amendments and extensions and the value of the proposed amendment or extension.

If a Contract amendment results in a net increase to the Contract value previously approved, the amendment must be approved in accordance with the Authorization Schedule.

All amendments to an existing Contract must be appropriately documented. Legal Services should be consulted regarding all matters pertaining to Contract interpretation and application, and for any changes, extensions, renewals, or amendments required to be made to any executed contract.

7.6 Contract Disputes

All potential Contract disputes with Suppliers must be managed in accordance with the dispute resolution mechanisms outlined in the contract. Where a Contract is silent on dispute resolution, the Department should ensure that potential disputes are proactively managed and appropriately escalated. Written copies of all communications and correspondence with Suppliers concerning a Contract dispute must be maintained by the Department. A Contract can be terminated only prior to its expiry date with the involvement of Legal Services.

7.7 Supplier Performance

The performance of a Supplier under Contract must be monitored and tracked by the Department.

7.8 Supplier Suspension

Suppliers can be suspended from participating in future Procurement processes in accordance with debarment procedures that if used require the involvement of Legal Services and Procurement Services.

SECTION 8 – PROCUREMENT RECORD-KEEPING

8.1 Supplier Information

The City must ensure that Supplier information submitted in confidence in connection with a Procurement process or Contract is adequately protected. Procurement Services and the Departments must ensure that all Bids and contracts are kept in a secure location and are only accessible by those individuals directly involved with the Procurement or management of the contract.

8.2 Procurement Records

The maintenance, release, and management of all Procurement records must be in accordance with the City's policies and procedures on document management and access to information.

Procurement Services is responsible for ensuring that all documentation relating to a Procurement is properly filed and maintained in a Procurement project file. Documentation and reports regarding Procurement processes and Contract awards (including Non-Standard Procurements) and data necessary to trace the process conducted electronically must be maintained for a minimum period of at least three years from the Contract award date, or such longer period as may be required under the City's document management policies.

SECTION 9 – COMPLIANCE MONITORING AND REPORTING

9.1 Compliance Monitoring

Non-compliance with this policy may expose the City to the risk of Supplier complaints, reputational damage, Bid disputes, and legal challenges.

Department Heads are required to observe and address non-compliance with this policy within their Departments. Where instances of non-compliance are identified, the Department Head is expected to notify the Head of Procurement Services and obtain advice with respect to mitigating potential risks to the City arising from the non-compliance.

The Head of Procurement Services is responsible for monitoring compliance across the organization. Based on the results of compliance monitoring, reports outlining instances of non-compliance may be issued by the Head of Procurement Services to the relevant Department Head. The Department Head must address the identified compliance concerns and submit a written confirmation of actions taken to the Head of Procurement Services. Ongoing concerns with respect to compliance will be subject to internal audit.

9.2 Audit

All Procurement activities will be subject to audit by the Director Corporate Services / Treasurer.

9.3 Reporting

The Head of Procurement Services will prepare and submit to the CAO an annual report summarizing the City's Procurement activities, in those areas prescribed by the CAO and Director Corporate Services / Treasurer and recommended by Procurement Services.

SCHEDULE A – GLOSSARY OF TERMS

“Bid” means a submission in response to a Solicitation Document, and includes proposals, quotations, or responses.

“Bidder” means a Supplier that submits a Bid, and includes proponents and respondents.

“Chief Administrative Offer” (“CAO”) means the Officer that is responsible for the City.

“Collaborative Agreement” means a competitively procured purchase agreement that is available for use by the Boarder Public Sector.

“City” means the Corporation of the City of Port Colborne.

“Competitive Process” means the solicitation of Bids from multiple Suppliers.

“Contract” means a commitment by the City for the Procurement of Deliverables from a Supplier, which may be evidenced by an agreement executed by the Supplier and the City, or a Purchase Order issued by the City to the Supplier.

“Contract Administrator” means an employee assigned to the management of a Contract.

“Deliverables” means any goods, services, or construction, or combination thereof.

“Department” means the department of the City that is requiring the purchase of the Deliverables.

“Department Head” means an individual officer or employee who is responsible for a specific Department.

“Department Lead” means the Department employee assigned primary responsibility for a procurement.

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

“Director of Corporate Services / Treasurer” means the Officer that is responsible for Customer Services, Financial Services, Human Resources, Information Technology and Recreation. Procurement Services reports to Financial Services.

“Head of Procurement Services” means the individual officer or employee who is responsible for Procurement Services.

“Invitational Competition” means a Competitive Process in which an invitation to submit Bids is issued to at least three Suppliers.

“Legal Services” means the City’s legal advisors.

“Low-Value Procurement” means any Procurement of Deliverables with a value below the Low-Value Procurement Threshold set out in Schedule C, except where the Procurement is made through an existing Standing Offer or Qualified Supplier Roster.

“Low-Value Procurement Threshold” means the maximum value for a Procurement of Deliverables that the City may procure without proceeding with an Open Competition.

“Master Framework Agreement” means a master agreement entered into between the City and the prequalified Suppliers that have been included on a Qualified Supplier Roster.

“Non-Standard Procurement” means the acquisition of Deliverables through a process or method other than the standard method required for the type and value of the Deliverables. Non-standard Procurement methods include:

- (a) acquiring Deliverables directly from a particular Supplier without conducting a Competitive Process when an Invitational Competition or an Open Competition would normally be required; and
- (b) soliciting Bids from a limited number of Suppliers without conducting an open prequalification process when an Open Competition would normally be required.

“Open Competition” means the solicitation of Bids through a publicly posted Solicitation Document.

“Open Competition Threshold” means the minimum value for a Procurement of that the City must procure using an Open Competition.

“Open Framework Competition” means the Competitive Process used to establish a Qualified Supplier Roster and provide for an ongoing application process during the term of the Qualified Supplier Roster, as further described in the Qualified Supplier Rosters Protocol.

“Performance Evaluation Report” means a report evaluating a Supplier’s performance in accordance with the Supplier Performance Evaluation Protocol, and includes both Interim and Final Performance Evaluation Reports.

“Procurement” means the acquisition of Deliverables by purchase, rental, or lease.

“Procurement Plan” means the plan developed by a Department at the outset of an Invitational Competition or Open Competition in accordance with the Competitive Procurement Planning Protocol.

“Procurement Review Committee” (“PRC”) means the committee established by the City under the Procurement Policy for the purposes of considering and making determinations on procurement-related matters, including determinations under the Non-Standard Procurement Protocol, the Procurement Protest Protocol, and the Supplier Suspension Protocol.

“Procurement Services” means the branch, department, division, or unit responsible for purchasing Deliverables for the City.

“Procurement Value” means the maximum total value of the Deliverables being procured, and it must include all costs to the City, including, as applicable, acquisition, maintenance, replacement, and disposal; training, delivery, and installation; and extension options, less applicable rebates or discounts and exclusive of sales taxes.

“Purchase Order” means the City’s written document issued by a duly authorized employee of the City to a Supplier formalizing all the terms and conditions of the purchase and supply of the Deliverables identified on the face of the Purchase Order.

“Purchasing Card” means a credit card provided by the City to authorized officers and employees for use as a payment method to purchase directly from Suppliers where permitted under the Procurement Policy and in accordance with any cardholder agreement and applicable procedures.

“Qualified Supplier Roster” means a list of Suppliers that have participated in and successfully met the requirements of a Request for Supplier Qualifications (“RFSQ”) and have therefore been prequalified to perform discrete work assignments involving the delivery of a particular type of deliverable. The Suppliers that qualify for inclusion on the Qualified Supplier Roster will enter into a Master Framework Agreement and will be eligible to participate in Roster Competitions, as and when the goods or services are required.

“Request for Information” or “RFI” means a market research initiative for the collection of data for the purposes of future Procurement planning.

“Roster Competition” means an expedited, invitational competition between Suppliers that have been included on a Qualified Supplier Roster for the selection of a Supplier to perform a discrete work assignment during the term of the roster.

“Solicitation Document” means the document issued by the City to solicit Bids from Bidders.

“Standing Offer” means a written offer from a pre-approved Supplier to supply Deliverables to the City, upon request, through the use of an ordering process during a particular period of time, at a predetermined price or discount, within a predefined dollar limit. The Standing Offer does not create a contractual commitment from either party for a defined volume of business. The commitment to purchase against a Standing Offer is formed at the time a specific order is placed through the issuance of a Purchase Order to the Supplier.

“Supplier” means a person carrying on the business of providing Deliverables.

“Total Cumulative Increase” means the total value of all increases to the original Procurement Value, including the value of all previously approved amendments and the value of the proposed amendment.

SCHEDULE B – EXCLUSIONS

1. Excluded Acquisitions and Expenditures

- (a) This policy does not apply to Contracts or agreements for the sale, purchase, lease, or licence of land or existing buildings.
- (b) This policy does not apply to the acquisition of the following Deliverables:
 - i. services provided by licensed lawyers or notaries;
 - ii. services of expert witnesses or factual witnesses used in court of legal proceedings;
 - iii. goods intended for resale to the public;
 - iv. goods purchased on a commodity market;
 - v. works of art; and
 - vi. subscriptions to newspapers, magazines, or other periodicals.
- (c) This policy does not apply to Contracts or agreements relating to hiring of employees or employee compensation or reimbursement of employee expenses.
- (d) This policy does not apply to payment of the City's general excluded expenses, such as:
 - i. WSIB Remittance
 - ii. Banking Services
 - iii. Physician Expenses

SCHEDULE C – PROCUREMENT THRESHOLDS

Table 1 – Low-Value Procurement Thresholds

Goods	Below \$25,000
Services	Below \$25,000
Construction	Below \$50,000

Table 2 – Invitational Competition Thresholds

Goods	\$25,000 to \$100,000
Services	\$25,000 to \$100,000
Construction	\$50,000 to \$250,000

Table 3 – Open Competition Thresholds

Goods	\$100,000 and above
Services	\$100,000 and above
Construction	\$250,000 and above

SCHEDULE D – AUTHORIZATION SCHEDULE

A. STANDARD PROCUREMENT

Table 1 – Table of Authority

Procurement Method	Authorize Procurement	Delegated Authority to Procure
Order from Existing Standing Offer	Department Head	Department Lead
Roster Competition < \$100K	Department Head	Department Lead and Head of Procurement Services
Roster Competition ≥ \$100K	Director of Corporate Services / Treasurer	Department Head and Head of Procurement Services
Low-Value Procurement	Department Head or designate	Department Lead
Invitational Competition	Department Head	Department Lead and Head of Procurement Services
Open Competition < \$1M	Director of Corporate Services / Treasurer	Department Head and Head of Procurement Services
Open Competition ≥ \$1M	CAO	Department Head and Director of Corporate Services / Treasurer

1. Authorization Process

- (a) The Department Lead completes the Procurement Authorization Form and submits it to the Department Head.
- (b) The Department Head reviews and approves the Procurement Authorization Form.
- (c) If the Procurement Value is less than \$100,000, the Department Head may authorize the Procurement and delegate the authority to procure in accordance with the table above.
- (d) If the Procurement Value is equal to or greater than \$100,000, the Department Head submits the Procurement Authorization Form to the Director of Corporate Services / Treasurer or CAO, in accordance with the table above. The Director of Corporate Services / Treasurer or CAO authorize the Procurement and delegate the authority to procure in accordance with the table above.
- (e) No Procurement may be authorized unless sufficient funding is available in an approved budget, unless authorized by CAO.

2. Delegated Authority to Procure

The delegation of authority to procure includes the authority to:

- (a) conduct the Procurement process in accordance with this policy and applicable protocols.
- (b) approve the Procurement document(s) for a Competitive Process;
- (c) approve the selection of qualified Bidders in a multi-stage Open Competition;
- (d) approve the establishment of qualified Supplier rosters in an Open Framework Competition; and
- (e) approve the award of the Contract.

3. Conditions of Delegated Authority to Procure

Delegated authority to procure is subject to the following conditions:

- (a) No Procurement may be initiated unless approved funding in an amount sufficient to cover the Procurement Value is available.
- (b) In the case of a multi-stage Open Competition or an Open Framework Competition, qualified Bidders are selected in accordance with the evaluation and selection process set out in the Solicitation Document.
- (c) No Contract award may be approved unless:
 - i. sufficient funding is available in an approved budget;
 - ii. the Procurement process was conducted through the standard Procurement method, as determined in accordance with this policy;
 - iii. the Procurement process was conducted in accordance with this policy and all applicable protocols; and
 - iv. in the case of a Competitive Process, the Contract is awarded to the top-ranked Bidder, as determined in accordance with the evaluation and selection process set out in the Solicitation Document.

Where the authority to procure is delegated to multiple individuals, all those individuals must be satisfied that the above conditions of delegated authority are met.

4. CAO Authority

If any of the applicable conditions of delegated authority are not met, CAO approval must be obtained before proceeding with any Procurement activity.

B. NON-STANDARD PROCUREMENT

Table 2 – Table of Authority

Procurement Value	Authorize Procurement	Delegated Authority to Procure
< Open Competition Threshold	Director of Corporate Services / Treasurer and CAO	Department Head, Head of Procurement Services and PRC
≥ Open Competition Threshold	Council	Department Head, Head of Procurement Services, PRC, Director of Corporate Services / Treasurer and CAO

1. Authorization Process

- (a) The Department Lead completes the Non-Standard Procurement Authorization Form and submits it to the Department Head.
- (b) The Department Head reviews and approves the Non-Standard Procurement Authorization Form.
- (c) If the Procurement Value is less than the applicable Open Competition Threshold, the Department Head submits the Non-Standard Procurement Authorization Form to the PRC. The PRC reviews and addresses any concerns with the Department Head.
- (d) If the Procurement Value is equal to or greater than the applicable Open Competition Threshold, the PRC and the Department Head submits a report to Council for authority to proceed with the procurement. Council may authorize the Procurement and delegate the authority to procure to the Department Head.
- (e) No Procurement may be authorized unless sufficient funding is available in an approved budget, unless authorized by the CAO.

2. Delegated Authority to Procure

In the case of a Non-Standard Procurement, the delegation of authority to procure includes the authority to negotiate and finalize the Contract with the selected Supplier.

No Contract may be finalized unless sufficient funding is available in an approved budget.

C. CONTRACT ISSUANCE OR EXECUTION

1. Authorized Signatories

The Head of Procurement Services has delegated authority to issue Purchase Orders on behalf of the City.

The following individuals have delegated authority to execute legal agreements on behalf of the City:

Table 3 – Authorized Signatories

Procurement Value	Authorized Signatory
< \$25,000 (Goods & Services)	Department Head
< \$50,000 (Construction)	Department Head
≥ \$25,000 & < \$100,000 (Goods and Services)	Department Head; and Director of Corporate Services / Treasurer or Director of Public Works
> \$50,000 < \$250,000 (Construction)	Note: if Director of Corporate Services / Treasurer is also Department Head then CAO authorizes.
≥ \$250,000	Department Head and CAO

2. Review and Execution Process

In accordance with the delegated authority to procure, the authorized individual(s):

- (a) approves the award of the Contract;
- (b) confirms all pre-conditions of award are met;
- (c) assembles all Contract documents;
- (d) provides the Contract documents to Legal Services for review;
- (e) Legal Services reviews all contracts greater than the applicable Open Competition Threshold;
- (f) The agreement is signed by the Authorized Signatory.

3. Pre-Approval of Standard Term Contracts

- (a) Legal Services may approve standard term Contract documents, including Purchase Order terms, standard forms of agreement, and supplementary terms and conditions for use in specified circumstances and subject to established conditions.

Where pre-approved standard term Contract documents are used in accordance with specified circumstances and established conditions, and without modification to any terms and conditions,

the Head of Procurement Services may issue the Purchase Order and the Authorized Signatory may sign the agreement without further review by Legal Services.

D. CONTRACT AMENDMENTS

Table 4 – Table of Authority if Total Cumulative Increase is Less Than 20% of Original Procurement Value

Total Cumulative Increase	Authorize Amendment
< Open Competition Threshold	Department Head
≥ Open Competition Threshold	PRC

Table 5 – Table of Authority if Total Cumulative Increase is Equal to or More Than 20% of Original Procurement Value

Total Cumulative Increase	Authorize Amendment
< Open Competition Threshold	CAO
≥ Open Competition Threshold	Council

Total Cumulative Increase means the total value of all increases to the original Procurement Value, including the value of all previously approved amendments and the value of the proposed amendment.

1. Authorization Process

- (a) The Contract Administrator completes the Contract Amendment Authorization Form.
- (b) If the Procurement Value is less than the applicable Open Competition Threshold, the Contract Administrator obtains the appropriate authority based on the above tables. If the amendment must be authorized by the CAO, the Contract Amendment Authorization Form must first be approved by the Department Head.
- (c) If the Total Cumulative Increase is equal to or greater than the applicable Open Competition Threshold, the Contract amendment must be treated as a Non-Standard Procurement and the Contract Amendment Authorization Form must be reviewed by the PRC. The PRC reviews and addresses any concerns with the Department Head. Once any concerns have been resolved or noted on the Contract Amendment Authorization Form, the PRC submits the Form to the appropriate authority based on the above tables.
- (d) No Contract amendment may be authorized unless sufficient funding is available in an approved budget, unless authorized by the CAO.

SCHEDULE E – SUPPLIER CODE OF CONDUCT

The City requires its Suppliers to act with integrity and conduct business in an ethical manner. The City may refuse to do business with any Supplier that has engaged in illegal or unethical bidding practices, has an actual or potential conflict of interest or an unfair advantage, or fails to adhere to ethical business practices.

Suppliers are responsible for ensuring that any employees, representatives, agents, or subcontractors acting on their behalf conduct themselves in accordance with this Supplier Code of Conduct. The City may require the immediate removal and replacement of any individual or entity acting on behalf of a Supplier that conducts themselves in a manner inconsistent with this Supplier Code of Conduct. The City may refuse to do business with any Supplier that is unwilling or unable to comply with such requirement.

A. ILLEGAL OR UNETHICAL BIDDING PRACTICES

Illegal or unethical bidding practices include:

- (a) bid-rigging, price-fixing, bribery or collusion, or other behaviours or practices prohibited by federal or provincial statutes;
- (b) offering gifts or favours to the City's officers, employees, appointed or elected officials, or any other representative of the City;
- (c) engaging in any prohibited communications during a Procurement process;
- (d) submitting inaccurate or misleading information in a Procurement process; and
- (e) engaging in any other activity that compromises the City's ability to run a fair Procurement process.

The City will report any suspected cases of collusion, bid-rigging, or other offences under the *Competition Act* to the Competition Bureau or to other relevant authorities.

B. CONFLICTS OF INTEREST

All Suppliers participating in a Procurement process must declare any perceived, possible, or actual conflicts of interest.

The term "conflict of interest," when applied to Suppliers, includes any situation or circumstance where:

- (a) in the context of a Procurement process, the Supplier has an unfair advantage or engages in conduct, directly or indirectly, that may give it an unfair advantage, including but not limited to:
 - i. having, or having access to, confidential information of the City that is not available to other Suppliers;
 - ii. having been involved in the development of the Procurement document, including having provided advice or assistance in the development of the Procurement document;

- iii. receiving advice or assistance in the preparation of its response from any individual or entity that was involved in the development of the Procurement document;
 - iv. communicating with any person with a view to influencing preferred treatment in the Procurement process (including but not limited to the lobbying of decision-makers involved in the Procurement process); or
 - v. engaging in conduct that compromises, or could be seen to compromise, the integrity of an open and competitive Procurement process or render that process non-competitive or unfair; or
- (b) in the context of performance under a potential Contract, the Supplier's other commitments, relationships, or financial interests:
- i. could, or could be seen to, exercise an improper influence over the objective, unbiased, and impartial exercise of its independent judgment; or
 - ii. could, or could be seen to, compromise, impair, or be incompatible with the effective performance of its contractual obligations.

Where a Supplier is retained to participate in the development of a Solicitation Document or the specifications for inclusion in a Solicitation Document, that Supplier will not be allowed to respond, directly or indirectly, to that Solicitation Document.

C. ETHICAL BUSINESS PRACTICES

In providing Deliverables to the City, Suppliers are expected to adhere to ethical business practices, including:

- (a) performing all Contracts in a professional and competent manner and in accordance with the terms and conditions of the Contract and the duty of honest performance;
- (b) complying with all applicable laws, including safety and labour codes (both domestic and international as may be applicable); and
- (c) providing workplaces that are free from harassment and discrimination.

Procurement Planning Protocol

1. Purpose and Interpretation

The purpose of this protocol is to assist Departments in planning for a Procurement process. Defined terms used in this protocol have the meaning assigned in the Glossary of Terms (Schedule A) in the Procurement Policy.

2. Determining Requirements

The Department must clearly identify what is to be procured. A concise initial mapping statement describing the required Deliverables will be used to develop clear business requirements and detailed specifications.

3. Market Research

If the Department is uncertain about the Deliverables required or if there is insufficient internal knowledge about the market, the Department must consult with Procurement Services about conducting a Request for Information (“RFI”) process.

4. Supply Arrangements for Recurring Requirements

Before initiating a procurement, Departments must consider the availability of existing supply arrangements, as described below.

If the Deliverables will be required on a frequent or regularly recurring basis, and there is no existing supply arrangement, the Department must consult with Procurement Services about the possibility of establishing a Standing Offer or Qualified Supplier Roster.

5. Determining Procurement Value

The Department must accurately estimate the value of the procurement.

The Procurement Value means the maximum total value of the Procurement over the entire duration of the Contract, whether awarded to one or more Suppliers, taking into account all forms of remuneration, including:

- (a) all premiums, fees, commissions, and interest; and
- (b) the total value of all possible options, including any options for renewal or extension of the term of the Contract (for example, a two-year Contract with an option to renew for an additional one-year period) and any options to purchase additional Deliverables (for example, the Contract is for the initial purchase of two pieces of equipment with an option to purchase up to an additional four pieces of equipment during the term of the Contract) or any potential add-ons or upgrades that may be provided under the Contract.

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The total value must include all costs to the City for all goods and services to be supplied under the Contract(s), including, if applicable, delivery, installation, training, operation, maintenance, replacement, and disposal, but excluding applicable sales taxes.

If multiple Contracts are entered into for the same Deliverables, the Procurement Value is the total value of all the Contracts for the same Deliverables entered on an annual basis.

In estimating the Procurement Value, Departments are strongly encouraged to err on the side of caution and ensure that the Procurement is appropriately streamed. For example, if it is foreseeable that all Bids may come in over the Open Competition Thresholds, an Open Competition should be used. Failure to accurately estimate the Procurement Value may result in situations where an inappropriate Procurement method is used, potentially resulting in the need to cancel the Procurement process and a significant delay in the acquisition of the required Deliverables.

If the Department is unsure how to determine the value of a particular procurement, it must consult with Procurement Services. Dividing procurements or using valuation methods with the intention of reducing the Procurement Value is strictly prohibited.

6. Approved Budget

Before initiating a procurement, the Department must ensure that sufficient funding is available from an approved funding source.

7. Procurement Method and Process for Initiation

Different types of Procurement processes may be used depending on the nature, value, and circumstances of the procurement. Departments are not permitted to procure Deliverables or engage with potential Suppliers regarding the Procurement of Deliverables without the involvement of Procurement Services, unless:

- (a) the table below specifies that the involvement of Procurement Services is not required; or
- (b) the Head of Procurement Services has expressly authorized the Department to proceed without the involvement of Procurement Services.

The table set out below must be used to identify the appropriate Procurement method and the process for initiating the Procurement process.

Procurement Method	Initiation of Procurement
Low-Value Procurement: Procurement Value is below the Low-Value Procurement Threshold and the Deliverables are not available under an existing Standing Offer or Qualified Supplier Roster	Involvement of Procurement Services is not required. Refer to Section 6.7.2 of the Procurement Policy

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Procurement Method	Initiation of Procurement
<p>Order from existing Standing Offer: Deliverables are available under an existing Standing Offer</p>	<p>Complete the Procurement Authorization Form in Appendix A and submit to Procurement Services. Upon receipt of the Procurement Authorization Form, Procurement Services will place the order through the issuance of a Purchase Order.</p>
<p>Roster Competition: Deliverables are available under an existing Qualified Supplier Roster</p>	<p>Complete the Procurement Authorization Form in Appendix A and submit to Procurement Services. Upon receipt of the Procurement Authorization Form, Procurement Services will contact the Department Lead to discuss the requirements and confirm the appropriate process in accordance with the Qualified Supplier Roster Protocol.</p>
<p>Invitational Competition: Procurement Value is within the Invitational Competition Thresholds set out in Schedule C of the Procurement Policy and the Deliverables are not available under an existing Standing Offer or Qualified Supplier</p>	<p>Complete the Procurement Authorization Form in Appendix A and submit to Procurement Services. Upon receipt of the Procurement Authorization Form, Procurement Services will contact the Department Lead to discuss the requirements and, if necessary, schedule a planning meeting. The Department should complete the Procurement Plan for Invitational Competition, as described below in Section 8, and consult with Procurement Services, as required.</p>
<p>Open Competition: Procurement Value is equal to or exceeds the Open Competition Threshold set out in Schedule C of the Procurement Policy and the Deliverables are not available under an existing Standing Offer or Qualified Supplier</p>	<p>Complete the Procurement Authorization Form in Appendix A and submit to Procurement Services. Upon receipt of the Procurement Authorization Form, Procurement Services will contact the Department Lead to schedule a planning meeting. The Department Lead should begin preparing the information required to complete the Procurement Plan for Open Competition, as described below in Section 8. The Department must work with Procurement Services to complete the Procurement Plan.</p>
<p>Non-Standard Procurement: A Non-Standard Procurement is justified in accordance with the Non-Standard Procurement Protocol</p>	<p>Follow the Non-Standard Procurement Protocol and complete the Non-Standard Procurement Authorization Form in Appendix A of the Non-Standard Procurement Protocol to obtain authority to initiate the procurement.</p>

8. Detailed Procurement Plan for Competitive Process

The Department is responsible for developing a detailed Procurement Plan for all Competitive Processes. It must complete Procurement Plan for Invitational Competition (Appendix B) or Procurement Plan for Open Competition (Appendix C).

The Procurement Plan must be reviewed and approved by Procurement Services before the Solicitation Document can be assembled. Departments are strongly encouraged to consult with and involve Procurement Services during the development of the Procurement Plan to avoid unnecessary delay in the review and approval process.

Detailed Procurement planning is focused on five key design planning questions:

8.1 What Are We Buying?

(a) Requirements and specifications: The Department is responsible for drafting clear, detailed business requirements and specifications that encourage open, fair, and transparent competition. Consult the Document Drafting Protocol for additional guidance in developing appropriate requirements and specifications.

(b) Material Disclosures: In order to solicit competitive and responsive pricing during a Competitive Process, it is essential that Bidders know all material information relating to the procurement. The Department's subject matter experts must provide all information that is material to the procurement, and they should consult the Document Drafting Protocol for additional guidance.

8.2 What Is the Pricing Structure?

The Department is responsible for developing a clear pricing structure. Consult the Document Drafting Protocol for a description of various pricing structures and the factors to consider in developing the appropriate pricing structure for the procurement.

8.3 What Is the Evaluation Plan?

The Department, in consultation with Procurement Services, is responsible for developing an evaluation plan. Consult the Document Drafting Protocol for a description of various evaluation methodologies and the factors to consider in developing the appropriate evaluation plan for the procurement.

8.4 What Are the Contract Terms? Can They Be Predefined, or Will Negotiation Be Needed?

The Department must consider whether or not all the Contract requirements and performance terms and conditions can be clearly defined in advance and incorporated into the call for Bids to permit the finalization of the Contract with the successful Bidder without negotiations. The Department should consult with Legal Services regarding the use of standard form Contracts.

8.5 What Is the Appropriate Form of Solicitation Document?

The Department and Procurement Services will determine the most appropriate Solicitation Document format. Departments should review the descriptions of the different formats that are set out in the

Format Selection Protocol and use the questionnaire and checklist included there to identify the appropriate Solicitation Document format for the procurement.

9. Major Projects

A major project is a Procurement that is of a value, complexity, risk level, or public profile that requires that it be given a significant allocation of attention and time from the Department and Procurement Services, as well as the potential involvement of other stakeholders.

When conducting a major project, Departments, in consultation with Procurement Services, must consider the following additional potential needs:

- (a) the retention of external advisors where there are insufficient internal resources to assist in developing specifications or business requirements;
- (b) the appointment of an internal project lead to co-ordinate input from multiple Departments or stakeholders;
- (c) the early involvement of Legal Services to ensure that all legal and risk considerations are appropriately addressed; and
- (d) the engagement of a fairness consultant where the major project is high profile or controversial or involves a particularly complex Supplier selection process.

APPENDIX A – PROCUREMENT AUTHORIZATION FORM

Department:	
Department Lead:	
Date:	

Estimated Procurement Value:	
Funding Source:	
Procurement Method:	<input type="checkbox"/> Existing Standing Offer <input type="checkbox"/> Roster Competition <input type="checkbox"/> Invitational Competition <input type="checkbox"/> Open Competition

Initial Mapping Statement

Describe the procurement. What is being purchased?

Background

Describe any relevant background information (for example, What gave rise to the need for the procurement? Is the Procurement part of a larger project? What is the history of the project? What stage is the project at?).

Market Research

Is further market research necessary to appropriately define the required Deliverables?

☐ No

☐ Yes

If yes, consult with Procurement Services about the issuance of a Request for Information ("RFI") prior to proceeding.

Existing Standing Offer or Qualified Supplier Roster

Is there an existing Standing Offer or Qualified Supplier Roster for the required Deliverables?

☐ No

☐ Yes

Repetitive Procurement

Are the Deliverables required on a frequent or regularly recurring basis?

For example, do you require the same Deliverables more than once a year or at regular intervals (for example, monthly or annually) or are you aware of other Departments that may require the same Deliverables?

☐ No

☐ Yes

Procurement Authorization

All Procurement Authorization Forms must be approved in accordance with the Authorization Schedule.

Authorized by the Department Head:	Signature: _____
	Name: _____
	Title: _____
	Date: _____

If authorization of the Procurement Review Committee is required, each member must sign below.

If authorization of CAO is required, the CAO approval must be attached.

Signature: _____

Name: _____

Title: _____

Date: _____

Signature: _____

Name: _____

Title: _____

Date: _____

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Signature: _____

Name: _____

Title: _____

Date: _____

APPENDIX B – PROCUREMENT PLAN FOR INVITATIONAL COMPETITION

Requirements and Specifications

Attach the detailed requirements and specifications for the required Deliverables. *Refer to the Document Drafting Protocol for guidance.*

Material Disclosures

Provide all material information relating to the Procurement that Bidders will need to know in order to submit a Bid. *Refer to the Document Drafting Protocol for guidance.*

Pricing Structure

Select the appropriate pricing structure. *Refer to the Document Drafting Protocol for guidance.*

- ☐ Lump sum
 - ☐ With adjustments
 - ☐ Without adjustments
- ☐ Unit prices
 - ☐ With adjustments
 - ☐ Without adjustments
- ☐ Time and materials
 - ☐ With upset limit
 - ☐ Without upset limit
- ☐ Budget-based set price
- ☐ Licence fees
- ☐ Life-cycle costing
- ☐ Other: _____

Evaluation Plan

Select the method of evaluation that will be used to select the successful Supplier. *Refer to the Document Drafting Protocol for guidance.*

- ☐ Price only: selection of lowest-priced compliant Bidder
- ☐ Evaluated criteria: selection of highest-scoring compliant Bidder

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What criteria should be considered in the evaluation? How much weight should each of the criteria be given (points out of 100)? What information should the Bidder provide for you to evaluate?

Criteria	Points Available	Information for Evaluation
Price		
Total	100	

☐ Other: _____

Contract Terms

What form of Contract will be used to Contract with the selected Bidder?

☐ City's standard form of agreement for _____.

☐ Industry Standard Contract or Lease Agreement

☐ A Purchase Order will be issued, and a legal agreement is not required.

Solicitation Document Format

Indicate the Solicitation Document format to be used.

The Invitational Request for Quotation ("RFQ") format is typically used for Invitational Competitions. If the Department Lead wishes to use a different format, please consult with Procurement Services.

☐ Invitational RFQ

☐ Other format: _____

Number of Suppliers

Indicate the number of Suppliers that will be invited to submit Bids.

A minimum of three Suppliers must be invited to submit Bids. If fewer than three Suppliers will be invited, it is a Non-Standard Procurement and the Non-Standard Procurement Protocol must be followed.

☐ Three

☐ Other number: _____

Selection of Suppliers to Participate

Explain how/why the particular Suppliers will be chosen to participate.

Method of Submitting Bids

Indicate the method by which Suppliers will be instructed to submit their Bids.

- ☐ Email
- ☐ Electronic Bid submission platform
- ☐ Mail / Courier delivery

Preliminary Schedule

Fill in estimated dates or time periods for the events below.

Issue Solicitation Document	
Bid Submission Deadline	
Evaluation Period	
Contract Award	
Contract Start Date	

APPENDIX C – PROCUREMENT PLAN FOR OPEN COMPETITION

The Department should begin preparation of the Procurement Plan for review and discussion with Procurement Services during the planning meeting(s). Procurement Services will work with the Department to finalize the Procurement Plan.

Requirements and Specifications

Are you able to precisely describe and prescribe all specifications or do you want Bidders to propose solutions?

- ☐ All specifications will be prescribed.
- ☐ Bidders will be asked to propose solutions.

Attach the requirements and specifications for the required Deliverables. Identify any mandatory technical requirements. *Refer to the Document Drafting Protocol for guidance.*

Material Disclosures

Provide all material information relating to the Procurement that Bidders will need to know in order to submit a Bid. *Refer to the Document Drafting Protocol for guidance.*

Pricing Structure

Select the appropriate pricing structure. *Refer to the Document Drafting Protocol for guidance.*

- ☐ Lump sum
 - ☐ With adjustments
 - ☐ Without adjustments
- ☐ Unit prices
 - ☐ With adjustments
 - ☐ Without adjustments
- ☐ Time and materials
 - ☐ With upset limit
 - ☐ Without upset limit
- ☐ Budget-based set price
- ☐ Licence fees
- ☐ Life-cycle costing
- ☐ Other: _____

Evaluation Plan

Do you want to proceed directly with the solicitation of Bids, or do you want to narrow the field of Suppliers through a prequalification process?

- ☐ Solicit Bids from all potential Suppliers.
- ☐ Prequalify the Suppliers that will be eligible to Bid.

Select the method of evaluation that will be used to select the successful Supplier. *Refer to the Document Drafting Protocol for guidance.*

- ☐ Price only – selection of lowest-priced compliant Bidder
- ☐ Evaluated criteria – selection of highest-scoring compliant Bidder

What criteria should be considered in the evaluation? How much weight should each of the criteria be given (points out of 100)? Do you want to require the Bidder to obtain a minimum score for all or certain criteria? What information should the Bidder provide for you to evaluate?

Criteria	Points Available	Minimum Score	Information for Evaluation
Price			
Total	100		

Contract Terms

How will the Contract with the selected Bidder be formed?

- ☐ Selected Bidder will be required to enter into predefined Contract.

All of the Contract requirements and performance terms and conditions can be clearly defined in advance and incorporated into the Solicitation Document to permit the finalization of the Contract with the successful Bidder without negotiations.

What form of Contract will be included in the Solicitation Document?

- ☐ City's standard form of agreement for _____.
- ☐ Customized form of agreement to be prepared by Legal Services.
- ☐ A Purchase Order will be issued, and a legal agreement is not required.

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☐ Contract will be finalized through negotiation with the selected Bidder.

There may be a need to negotiate some Contract requirements and performance terms and conditions to ensure that the final Contract is appropriately tailored to the proponent's proposed solution.

What form of Contract will be included in the Solicitation Document as a starting point for the negotiations?

☐ City's standard form of agreement for _____.

☐ Customized form of agreement or term sheet to be prepared by Legal Services.

Solicitation Document Format

Indicate the Solicitation Document format to be used. *Select the appropriate format using the Format Selection Protocol.*

☐ RFQ (Low Bid)

☐ RFQ (High Score)

☐ ITT

☐ No-Negotiation (Contract A) RFP

☐ Consecutive Negotiation (Rank and Run) RFP

☐ Concurrent Negotiation (Dialogue/BAFO) RFP

☐ RFSQ (Prequalification) followed by ITT

☐ RFSQ (Prequalification) followed by RFQ

☐ RFSQ (Prequalification) followed by No-Negotiation (Contract A) RFP

☐ RFSQ (Prequalification) followed by Negotiated RFP

☐ RFSQ (Roster Framework) followed by customized second-stage selection protocol

Preliminary Schedule

Fill in estimated dates or time periods for the events below.

Rows shaded in **blue** are completed only if conducting a two-stage process (for example, RFSQ followed by ITT, RFQ, or RFP). Rows shaded in **green** are completed only if conducting a Concurrent Negotiation (Dialogue/BAFO) RFP process.

Development of Solicitation Document	
Posting of Solicitation Document	

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Bid Submission Deadline	
Evaluation Period	
Selection of Prequalified Bidders	
Issuance of Second-Stage Solicitation Document	
Second-Stage Evaluation Period	
Selection of Short-Listed Proponents	
Concurrent Negotiations and Submission of BAFOs	
Evaluation of BAFOs	
Contract Negotiation (for Negotiated RFP only)	
Contract Award	
Contract Start Date	

Format Selection Protocol

1. Purpose and Interpretation

The purpose of this protocol is to provide assistance and direction for selecting the appropriate Solicitation Document format for a procurement. Defined terms used in this protocol have the meaning assigned in the Glossary of Terms (Schedule A) in the Procurement Policy.

2. Forms of Template Solicitation Documents

Procurement Services maintains a series of Solicitation Document templates. Forms of Solicitation Documents include the following:

- **Invitational Request for Quotations (“RFQ”)** – This format is for use in an Invitational Competition for the Procurement of goods, services, or construction where Bids will be solicited from a limited number of Suppliers, and the evaluation and ranking of Bidders will be based on either lowest price or the scoring of simple evaluation criteria.
- **Request for Quotations (“RFQ”) – Low-Bid Version** – This format is for use in a simplified Open Competition for the Procurement of standard goods, services, or construction on the basis of lowest price and standardized Contract terms that will not require negotiation.
- **Request for Quotations (“RFQ”) – High-Score Version** – This format is for use in an Open Competition for the Procurement of standard goods, services, or construction on the basis of straightforward high-score evaluation criteria and standardized Contract terms that will not require negotiation.
- **Invitation to Tender (“ITT”)** – This format is for use in an Open Competition for the Procurement of goods or construction where there is a need for legally binding, irrevocable Bids, typically supported by bid security, and price is the primary consideration. This format must include well-defined specifications, requirements, and Contract terms and conditions, as post-bid negotiations are not permitted.

When using the ITT format, it is strongly recommended that a prequalification process be conducted to ensure that only qualified Bidders are eligible to respond to the ITT. See below for information regarding the Request for Supplier Qualifications (“RFSQ”) – Prequalification Version.

- **No-Negotiation (Contract A) Request for Proposals (“RFP”)** – This format is for use in an Open Competition for the Procurement of goods, services, or construction where there is a need for legally binding, irrevocable Bids and where factors other than price will be evaluated. This format must include well-defined specifications, requirements, and Contract terms and conditions, as post-bid negotiations are not permitted.
- **Consecutive Negotiation (Rank and Run) Request for Proposals** – This format is for use in an Open Competition for the Procurement of goods, services, or complex construction projects where proposals will be ranked on price and non-price factors and the top-ranked proponent will be invited to negotiate the final Contract. The rules of the process provide that if the negotiations with the top-ranked proponent fail, the City can proceed to negotiate with the next-ranked proponent. This format allows for a more flexible process to encourage innovative and creative proposals that may help

inform the development of final specifications or performance terms through the negotiation of the final Contract with the selected proponent.

- **Concurrent Negotiation (Dialogue/Best and Final Offer (“BAFO”)) Request for Proposals** – This format is for use in an Open Competition for the Procurement of goods, services, or complex construction projects where proposals will be ranked on price and non-price factors to create a short-list of proponents that will be invited to engage in negotiations or discussions with the City prior to submitting a best and final offer (“BAFO”) for further evaluation and final ranking. This format allows for a more flexible process to encourage innovative and creative proposals and is particularly useful where the nature of the project may allow for a variety of potential approaches and solutions that the City could consider and use to refine the requirements prior to the submission of BAFOs and to the final ranking and selection of Bidders.
- **Request for Supplier Qualifications (“RFSQ”) – Prequalification Version** – This format is used to prequalify Suppliers in the first stage of a two-stage Open Competition. Bidders who meet the requirements of the RFSQ are eligible to participate in the second-stage Procurement process and are invited to respond to a subsequent Solicitation Document.
- **Request for Supplier Qualifications (“RFSQ”) – Roster Framework Version** – This format is for use in an Open Framework Competition to prequalify Suppliers that will be invited to compete in multiple second-stage Procurement processes for the same type of Deliverables. Those Suppliers that qualify in the first stage of the process will be invited to enter into Master Framework Agreements that will govern any future work assignments awarded to them.

3. Selection Factors

Key factors to consider in choosing the appropriate Solicitation Document format include:

- (a) value and complexity of the purchase;
- (b) whether bid security is required – irrevocable Bids and bid security should be required only where there are legitimate business reasons for doing so; and
- (c) whether Bidder responses may inform the final specifications or performance terms, and whether the final Contract will need to be negotiated with the top-ranked Bidder.

The ITT and the No-Negotiation RFP formats require Bidders to submit irrevocable Bids and give rise to a legally binding Procurement Contract called “Contract A.” Bids are considered irrevocable when the Solicitation Document requires that Bidders be bound to their Bid prices or that Bids remain open for acceptance for a fixed period of time. All terms of the purchase Contract (in other words, “Contract B”) must be included in the ITT and the No-Negotiation RFP and cannot be negotiated or amended after the closing deadline. When a Contract-A format is used, the risk to the City is greatly increased, and all employees involved in the Procurement project should ensure that they fully understand the City’s legal obligations when using these formats.

4. Selection Tools

Use the Format Selection Questionnaire (Appendix A) to assist with the selection of the appropriate format for the Procurement project. Use the Procurement Format Checklist (Appendix B) to confirm that

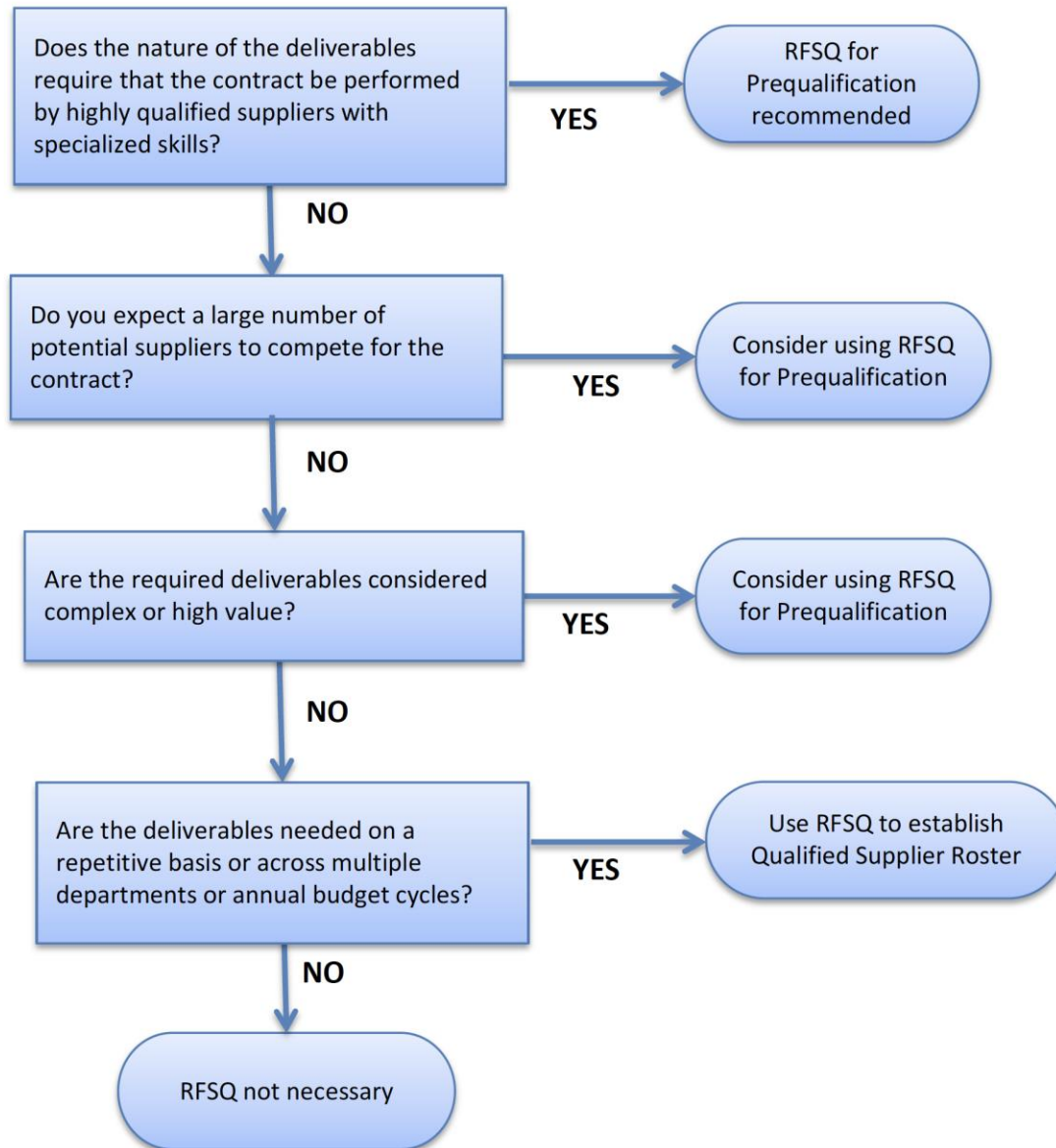
all requirements for the selected format apply to your Procurement project. If you cannot check off all items listed below the selected format, consult with Procurement Services for additional guidance and assistance in selecting the appropriate format.

5. Market Research Tool

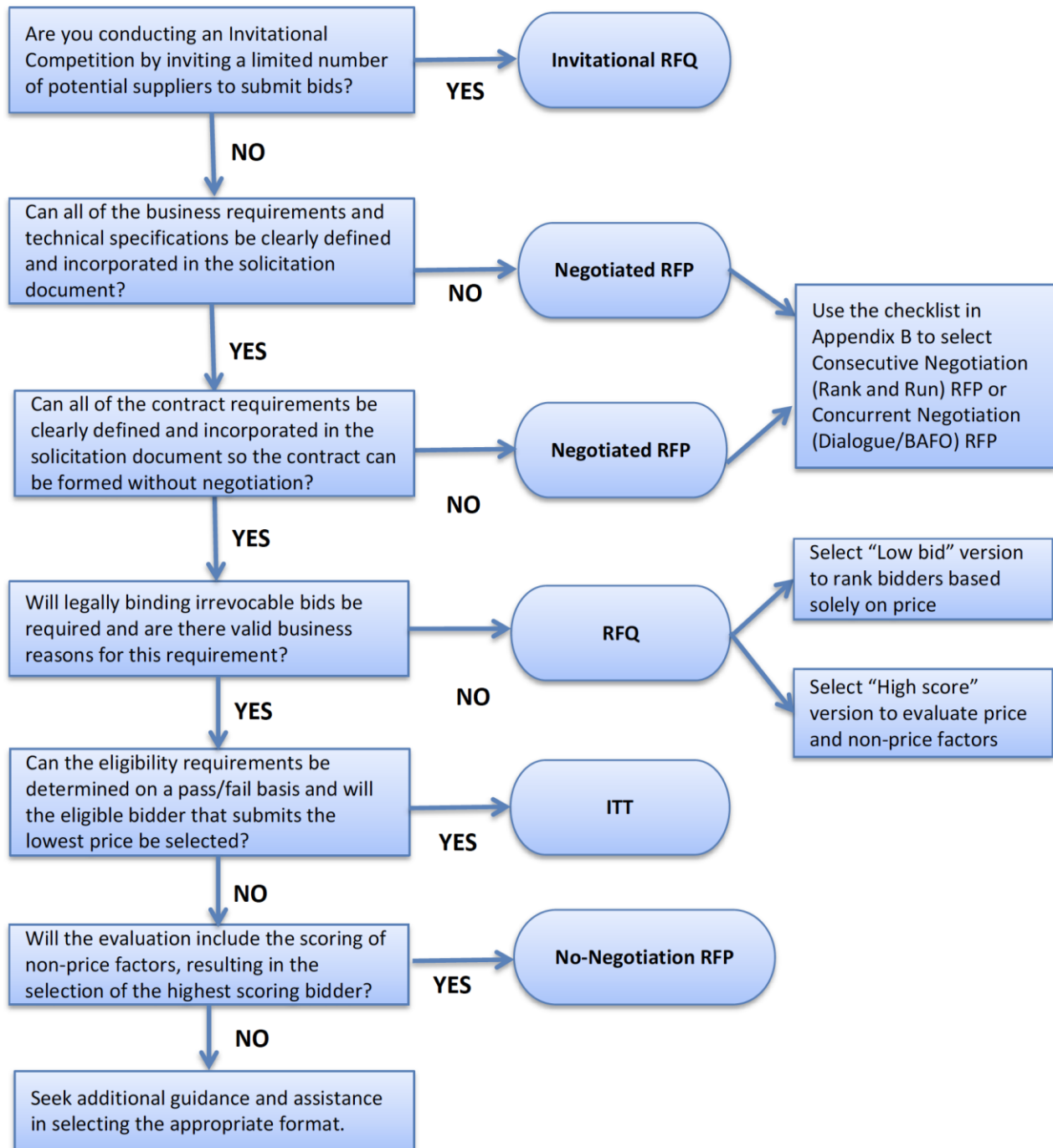
In addition to the various forms of Solicitation Documents used to conduct a Procurement process, Procurement Services maintains a Request for Information (“RFI”) template for the purpose of soliciting information about Deliverables and/or expressions of interest from Suppliers. This format is used to conduct a structured and transparent market-research and information-gathering process to obtain information from potential Suppliers regarding the types of goods and services available to meet the Department’s needs and to assess the interest in the marketplace in providing the Deliverables to the Department. This format is not intended to result directly in the Procurement of Deliverables, but rather to inform a future procurement, and must not be used to prequalify Bidders or restrict participation in a future competitive Procurement process.

APPENDIX A – FORMAT SELECTION QUESTIONNAIRE

Prequalification Process



Single-Stage or Second-Stage Process



APPENDIX B – PROCUREMENT FORMAT CHECKLIST

Invitational RFQ

- ☐ You are buying simple goods, services, or construction with a value below the Open Competition Thresholds.
- ☐ You will be conducting an Invitational Competition by inviting a limited number of potential Suppliers to submit Bids.
- ☐ The business requirements and technical specifications can be clearly defined in advance and incorporated into the Solicitation Document.
- ☐ The Contract requirements and performance terms and conditions are relatively straightforward and can be incorporated into the Solicitation Document to permit the finalization of the Contract with the successful Bidder without, or with only minor, negotiations.
- ☐ You will select either the lowest-priced Bidder meeting mandatory requirements or the highest-scoring Bidder based on a relatively simple evaluation of price and non-price factors.

Open RFQ

- ☐ You are buying simple goods, services, or construction through an Open Competition.
- ☐ The business requirements and technical specifications can be clearly defined in advance and incorporated into the Solicitation Document.
- ☐ The Contract requirements and performance terms and conditions are relatively straightforward and can be incorporated into the Solicitation Document to permit the finalization of the Contract with the successful Bidder without, or with only minor, negotiations.
- ☐ You will select either the lowest-priced Bidder meeting mandatory requirements (select the Low-Bid Version of the RFQ) or the highest-scoring Bidder based on a relatively simple evaluation of price and non-price factors (select the High-Score Version of the RFQ).

ITT

- ☐ You are buying goods or construction through an Open Competition.
- ☐ There are valid business reasons for requiring legally binding, irrevocable Bids, with or without bid security.
- ☐ You have straightforward eligibility requirements that can be determined on a pass/fail basis and will select the Bidder that meets the requirements and submits the lowest price.
- ☐ All of the business requirements and technical specifications can be clearly defined in advance and incorporated into the Solicitation Document.

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- ☐ All of the Contract requirements and performance terms and conditions can be clearly defined in advance and incorporated into the Solicitation Document to permit the finalization of the Contract with the successful Bidder without negotiations.

Note: When using the ITT format, it is strongly recommended that a prequalification process be conducted to ensure that only qualified Bidders are eligible to respond to the ITT. See below for information regarding the RFSQ – Prequalification Version.

No-Negotiation RFP

- ☐ You are buying Deliverables through an Open Competition.
- ☐ There are valid business reasons for requiring legally binding, irrevocable Bids, with or without bid security.
- ☐ You will evaluate both price and non-price factors and will select the highest-scoring Bidder.
- ☐ All of the business requirements and technical specifications can be clearly defined in advance and incorporated into the Solicitation Document.
- ☐ All of the Contract requirements and performance terms and conditions can be clearly defined in advance and incorporated into the Solicitation Document to permit the finalization of the Contract with the successful Bidder without negotiations.

Consecutive Negotiation (Rank and Run) RFP

- ☐ You are buying goods, services, or complex construction projects through an Open Competition.
- ☐ Irrevocable Bids are not required.
- ☐ Detailed, innovative, or creative proposals are desired.
- ☐ You will evaluate both price and non-price factors and will rank proposals based on highest score.
- ☐ You may need to adapt the final specifications and/or performance terms based on the successful proposal.
- ☐ There may be a need to negotiate some terms of the final Contract to ensure that they are appropriately tailored to the proponent's proposed solution.
- ☐ You are able to include sufficiently detailed business requirements and technical specifications in the Solicitation Document to allow proponents to propose fully developed solutions and complete pricing proposals at the submission deadline.
- ☐ You prefer to engage in negotiations with only the top-ranked proponent.
- ☐ You will only engage in negotiations with the next-ranked proponent if negotiations with the top-ranked proponent are unsuccessful.

Concurrent Negotiation (Dialogue/BAFO) RFP

- ☐ You are buying goods, services, or complex construction projects through an Open Competition.

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- ☐ Irrevocable Bids are not required.
- ☐ Detailed, innovative, or creative proposals are desired.
- ☐ You will evaluate both price and non-price factors and will rank proposals based on highest score.
- ☐ You may need to adapt the final specifications and/or performance terms based on the successful proposal.
- ☐ There may be a need to negotiate some terms of the final Contract to ensure that they are appropriately tailored to the proponent's proposed solution.
- ☐ A variety of different approaches and solutions could meet the project requirements, and the detailed scope of work and specifications may vary depending on the proposed solution.
- ☐ You would like to have an opportunity to engage in discussions with a short-list of high-scoring proponents to consider and better understand the various approaches and solutions that they have proposed and to ensure that the proponents fully understand your needs and requirements.
- ☐ You want to allow the short-listed proponents to develop and refine their proposed solutions and pricing proposals after those discussions through the submission of a BAFO.
- ☐ Based on the evaluation of the BAFOs, you will invite the top-ranked proponent to negotiate and finalize the Contract.

RFSQ – Prequalification Version

- ☐ You are buying goods, services, or construction through a two-stage Open Competition.
- ☐ You want to ensure that potential Bidders are sufficiently competent, qualified, and experienced to undertake and successfully complete the project prior to inviting them to Bid on the detailed requirements and specifications of the project.
- ☐ You expect that a large number of potential Suppliers may want to compete for the Contract, and you want to narrow the field prior to soliciting Bids.
- ☐ You will set a limit on the number of eligible Bidders or a minimum threshold score that must be achieved before a potential Supplier will be considered eligible to participate in the second-stage competition.

RFSQ – Roster Framework Version

- ☐ You require the same type of goods, services, or construction on a regular and recurring basis over a period of time.
- ☐ You want to be able to obtain quotes quickly and efficiently from qualified Suppliers that are able to provide the required goods, services, or construction in accordance with established and agreed-upon general Contract terms and conditions.

Document Drafting Protocol

1. Purpose and Interpretation

The purpose of this protocol is to provide assistance, direction, and suggestions for preparing Procurement plans and Solicitation Documents, including guidelines for developing specifications and selecting the appropriate evaluation methodology and pricing structure. Defined terms used in this protocol have the meaning assigned in the Glossary of Terms (Schedule A) in the Procurement Policy.

2. General Drafting Principles

These general principles should be considered in drafting the Procurement plan and the Solicitation Document:

- (a) Plain and clear language should be used, and technical jargon and vague terms should be avoided.
- (b) Where technical terms or specifications are required, they should be set out in a separate section or schedule to the document.
- (c) Avoid creating too many defined terms. Defined terms should only be used where (i) the meaning is not clear from a plain reading; and (ii) the term is used throughout the document. Use defined terms consistently throughout the document. Do not capitalize terms that are not defined.
- (d) Avoid repeating the same information in different sections of the document. If it is necessary to repeat information, ensure that it is repeated using the same language and terminology to avoid any inconsistencies or contradictions.
- (e) Avoid using acronyms that may not be understood by everyone. If the use of acronyms is necessary, spell them out in full the first time they are used in the document.
- (f) Ensure that Contract performance and other contractual terms are not buried in the specifications or evaluation sections but are appropriately included in the term sheet or form of agreement.
- (g) Ensure that the document is carefully proofread, preferably by someone other than the drafter. Inconsistent terminology, vague wording, typographical errors, grammatical errors, and incorrect spelling can all create uncertainty in the meaning and interpretation of the terms and conditions in the document.

3. Initial Mapping Statement

Before beginning to draft any of the Procurement project details, the Department Lead should draft an initial mapping statement that clearly describes what is being purchased. The initial mapping statement is essential in major projects with many stakeholders, and it is also very important in smaller, routine purchases in order to ensure a smooth and efficient drafting process.

4. Requirements and Specifications

The subject-matter experts from the relevant Department(s) are responsible for preparing the technical specifications and business requirements for inclusion in the Solicitation Document. In the preparation of any technical specification for a specific procurement, advice must not be sought or accepted from a potential Supplier or any person that may have a commercial interest in the procurement.

The format of the Solicitation Document will dictate the level of specificity that is required for requirements and specifications:

- (a) if price is the only factor being evaluated, then the specifications and all requirements that inform price must be fully disclosed in detail in order to solicit responsive pricing; or
- (b) if the requirements cannot be clearly defined before the Solicitation Document is issued (in other words, proponents will be proposing creative solutions or proponent specifications will be evaluated during the Competitive Process), and the selected format contemplates negotiation of the final Contract, then the specifications can be drafted with less specificity.

The requirements should describe the tasks that the successful Bidder will be expected to complete during the term of the Contract. There are different approaches to describing the tasks and effort required, for example:

- (a) a “performance-based” statement of work will describe the requirements in terms of the required results rather than the methods for performing the work. In this case, Bidders will be invited to propose their own approach and methodology and make their own determination of what resources, roles, and activities will be required to provide the Deliverables and achieve the required results;
- (b) a “level of effort” statement of work will identify all the tasks that must be performed and the hours to be spent on each task. The statement of work must identify if specific resources or categories of resources will be required to perform the identified tasks; and
- (c) a detailed or “prescriptive” statement of work will describe how the work must be accomplished, including precise measurements, tolerances, materials, quality control requirements, or the like.

Irrespective of the approach, it is important that:

- (a) the Deliverables are clearly identified, including the timelines and location for delivery;
- (b) reporting and communication requirements are identified, including any requirements for progress or status reports; and
- (c) expectations with respect to the outcome of the project are clearly described, including performance standards or quality-assurance requirements.

Departments should review the need for Contract performance security, if any, with Procurement Services.

Specifications for goods may include any or all of the following:

- (a) physical characteristics;

- (b) functional, performance, or expected-results characteristics;
- (c) quality characteristics defined by recognized, third-party standards bodies; and/or
- (d) intended-use descriptors, such as consumer-grade, industrial-grade, medical- or laboratory-grade, or suitable for use under extreme conditions.

Specifications and requirements must be designed to encourage open, fair, and transparent competition and must not be written in a way that unduly restricts Suppliers from bidding.

Technical specifications must be generic, functional, and non-biased specifications that do not have the purpose or effect of creating unnecessary obstacles to international trade. Where appropriate, they must be set out in terms of performance and functional requirements, rather than design or descriptive characteristics, and must be based on international standards, if they exist, or otherwise on recognized national standards.

Technical specifications must not require or refer to a particular trademark or trade name, patent, copyright, design, type, specific origin, producer, or Supplier, unless there is no other sufficiently precise or intelligible way of describing the requirements and, in such cases, the words such as "or equivalent" must be included.

5. Material Disclosures

In order to solicit competitive and responsive pricing during a Competitive Process, it is essential that Bidders know all material information relating to the procurement.

Only the Department's subject-matter experts will be in a position to know what information should be disclosed in the material disclosures section of the Solicitation Document. The material disclosures section should be reviewed by the subject-matter experts for every Procurement since failure to do so could expose the City to legal, financial, and reputational risk.

Material disclosures include information, such as:

- (a) reports relating to the procurement, including engineering, consulting, environmental, or site reports;
- (b) unusual conditions that may affect price (for example, soil conditions, delivery restrictions, or timing requirements or restrictions);
- (c) contractual performance terms;
- (d) indemnity, performance security, and insurance requirements; and
- (e) specific processes or procedures expected of the successful Bidder that are outside standard industry practice.

6. Pricing Structure Selection

6.1 General Principles

With the exception of a Request for Supplier Qualifications (“RFSQ”) process in which pricing information is not requested, it is essential that the Solicitation Document include a clear pricing structure. The pricing structure must be clearly set out in the Solicitation Document so that Bidders know exactly how to submit pricing and so that pricing can be evaluated fairly and defensibly.

Choosing an appropriate pricing structure will depend on what is being purchased; where applicable, ensure that the pricing structure aligns with industry standards.

Regardless of the pricing structure employed, the Solicitation Document must clearly state what is included or not included with respect to pricing (for example, is the submitted pricing all-inclusive or are certain expenses allowed to be charged in addition, such as delivery charges). The pricing structure must also clearly indicate that taxes should be separately stated.

In addition to setting out the selected pricing structure, the Solicitation Document must also include the payment structure. For example, will the entire amount owed be paid at the end of the Contract or will the Supplier be able to bill at regular intervals, upon completion of phases, or at specific payment milestones? The payment terms that will apply to the payment of invoices should also be set out in the Solicitation Document.

6.2 Pricing Structures

Below is a list of some of the most common pricing structures and the factors that should be considered when you are deciding which one is appropriate for your procurement.

- (a) **Lump Sum** (also referred to as “flat fee,” “firm price,” and “total price”) – The Bidder submits a total price to provide the Deliverables, which is not subject to adjustment after the Contract is awarded. This model is only appropriate when all specifications are known in advance, all conditions affecting price are known, the terms of the Contract are clear, and all of that information is disclosed in the Solicitation Document.
- (b) **Unit Prices** – The Bidder submits a per-unit price for the Deliverables, and that unit price is then multiplied by the required quantity. Similar to the lump-sum pricing structure, this pricing structure requires exact specifications for the Deliverables required. In order to get the most competitive pricing and meet disclosure obligations, it is important to ensure that historical or accurately estimated volumes of the required Deliverables are disclosed in the Solicitation Document. All unit prices must be set out with clear metrics (for example, hourly rates, price per unit or per kilogram) in the Solicitation Document.
- (c) **Lump Sum or Unit Prices with Price Adjustments** – Where an industry is subject to potential increases in pricing for products or labour, but a firm estimate on pricing is required, the lump-sum or unit-price model can be used in conjunction with a predetermined price adjustment. In order to be defensible, the price adjustment should be tied to objective criteria in the marketplace or subject to an objective, predetermined formula.

- (d) **Time and Materials** – This pricing structure is used to solicit competitive pricing when it cannot be estimated how much time or materials will be required to complete the project. This pricing structure allows some flexibility in pricing; however, in order to avoid costly budget overruns, this pricing model must include clearly described Deliverables, and it requires careful project management to ensure efficient use of resources. The time-and-materials pricing components should each have clear metrics (for example, hourly or per diem rates, set pricing for required materials). This pricing model can also be used for longer-term service Contracts where a service or good is required on an as-needed basis. When a time-and-materials pricing structure is used for these types of Contracts, the term of the Contract must be set out in the Solicitation Document. If options to extend the Contract are included, any price increase for the extension terms must either be set out clearly in the Solicitation Document or be subject to an agreed-upon formula (for example, indexed to inflation).
- (e) **Time and Materials with Upset Limit** – A time-and-materials pricing structure, as described above, can be used in combination with a requirement that Bidders set an upset limit that represents a total cost that will not be exceeded for the specified scope of work. For example, the pricing could be based on an hourly rate that will be charged for actual time spent with a total dollar value that will not be exceeded for the completion of the project.
- (f) **Licence Fees** – Common in the software industry, this pricing structure involves a set licence fee tied to specific rights of use (for example, number of users, number of computers on which software can be installed).
- (g) **Budget-Based Bidding** – This is a less common form of pricing structure, which can be used when there is a set amount of money budgeted for a project and the Department wishes to get the most value for that budget amount. The total budget is disclosed in the Solicitation Document and Bidders propose solutions that provide the most Deliverables they can within the set budget amount. The disclosure of budget may result in less competitive Bids, but it can be a useful method when there is concern that the scope of the project may otherwise result in Bids that exceed the available budget.
- (h) **Life-Cycle Cost (“LCC”)** – This pricing structure is an analysis that considers the initial purchase price, warranty, and duration of useful life, shipping, conversion, and installation, and all reasonable operating costs such as fuel/energy use, water use, routine maintenance, consumable supplies, parts and repairs, etc. The Solicitation Document must describe the method that will be used to calculate the LCC and specify the information that must be submitted by the Bidder for the purposes of the LCC analysis. Typical elements of an LCC analysis include:
 - i. purchase price;
 - ii. life span of products;
 - iii. transportation and handling;
 - iv. installation and associated costs;
 - v. staff training;
 - vi. operation and supplies (including any costs associated with disposal of waste/spent supplies);
 - vii. energy and fuel costs;
 - viii. maintenance and repairs; and
 - ix. end-of-life disposal costs.

The details of a particular Procurement may require another type of pricing structure. When the appropriate selection of pricing structure is not clear, employees should consult Procurement Services for guidance and other possible options.

7. Evaluation Methodology

In order to run a defensible Competitive Process, the evaluation methodology that will be used to determine the successful Bidder(s) must be fully disclosed in the Solicitation Document. Failure to fully disclose the evaluation methodology, including all factors to be considered in determining the successful Bidder(s), may constitute hidden criteria that could expose the City to legal, financial, and reputational risk.

All eligibility or threshold criteria (also referred to as “mandatory requirements”) must be fully disclosed and be capable of review upon submission of a Bid. Mandatory requirements should be kept to a minimum and must only be used for those eligibility requirements that are absolutely essential.

There are two basic evaluation methodologies:

- (a) lowest price; and
- (b) evaluated criteria where price and specified qualitative factors are allocated a certain weighting.

When using an RFSQ as part of a two-stage Competitive Process, the RFSQ must disclose the basis on which Bidders will be considered eligible to proceed to the subsequent stage of the Procurement process. Eligibility could be determined by obtaining a threshold score (for example, Bidders with a score of 65% or greater will be prequalified) or by being ranked within the specified number of top-scoring Bidders (for example, the top three Bidders will be prequalified).

7.1 Low-Price Evaluation

When the Bids are being evaluated only on price, this must be clearly set out in the Solicitation Document and no other factors can be used to determine the successful Bidder. If a Department wants to select the preferred Bidder based on lowest price but also consider other qualitative factors, such as previous experience, then they should consult with Procurement Services about using a different format or issuing an RFSQ to prequalify Bidders.

The method for determining the low price must be disclosed. Where the pricing structure is lump sum, the lowest price may be obvious, but if multiple unit prices are being solicited, then the formula for determining the low price for the purposes of evaluation must be set out in the Solicitation Document.

7.2 Evaluated Criteria

When multiple criteria will be considered in the evaluation of Bids, the criteria and the relative weighting for each of the criteria must be disclosed in the Solicitation Document. When several different factors will be considered in the evaluation of a particular criterion, the sub-criteria and sub-weightings should also be disclosed.

When interviews or presentations are requested, the weight, value, and impact on the evaluation and selection process must be set out in the Solicitation Document. Interviews and presentations can either

be given a predetermined weight or can be used to confirm or adjust the scores assigned in the evaluation of the paper-based proposal.

When both price and non-price factors are being evaluated, the method for evaluating price and calculating dollars into points must be disclosed. Generally, price is scored by dividing the lowest overall price submitted during the Competitive Process by the price submitted by each Bidder, and then multiplying that value by the weighting allocated to price (as below):

$$\text{lowest proposed price} \div \text{Bidder's proposed price} \times \text{weighting}$$

The scores for qualitative factors and the score for price are combined and Bidders are ranked based on highest total score.

8. Integration of Components

All of the components of the Solicitation Document need to work together properly. This requires integration throughout the document. The evaluation criteria and the pricing structure must align with the requirements, and the legal agreement must be properly tailored to the requirements and align with the pricing structure.

9. Version Control – Reviewing and Revising

When a Solicitation Document needs to be reviewed and edited by multiple stakeholders, the editing process must be well co-ordinated in order to maintain proper version control. Unless revisions are carefully tracked and integrated through an organized process, the final document is likely to include gaps and inconsistencies that can undermine the certainty of terms and create legal risk. The following steps should be taken to ensure version control:

- (a) Determine who is responsible for incorporating all comments and revisions into the draft document and preparing the final version;
- (b) Ensure stakeholders are clear on what sections of the document they are responsible for reviewing;
- (c) Have only the person responsible for the final document assign new version names to the document (for example, “RFP v. 2.0”);
- (d) When making electronic changes to the document, everyone involved in revising should save the revised document under a new file name that retains the assigned version name and also includes their name and the date of the changes (for example, “RFP v. 2.0 – changes by AB Jan 14”).
- (e) Retain copies of all stakeholder comments/markups in the Procurement file.

Invitational Competition Protocol

1. Purpose and Interpretation

The purpose of this protocol is to set out the steps and identify roles and responsibilities for conducting an Invitational Competition. Defined terms used in this protocol have the meaning assigned in the Glossary of Terms (Schedule A) in the Procurement Policy.

2. Responsibility for Conducting Invitational Competitions

Unless the authority to conduct an Invitational Competition has been delegated to the Department, the process will be conducted by Procurement Services with the assistance and co-operation of the Department Lead.

The Head of Procurement Services may delegate the authority to conduct an Invitational Competition to a Department, on either a standing basis or a case-by-case basis. Where a Department has delegated authority to conduct an Invitational Competition, the Department Head is responsible and accountable for ensuring the process is conducted in accordance with this protocol.

3. Preparing the Solicitation Document

The Invitational Request for Quotation (“RFQ”) template is the standard format for Invitational Competitions. If the Department wishes to use a different format, please consult with Procurement Services.

The information contained in the Procurement Plan will be used to assemble the Solicitation Document.

The principles and guidelines in the Document Drafting Protocol should be followed and the following must be confirmed before the Solicitation Document is finalized:

- (a) the most up-to-date template is used;
- (b) all material information relevant to the Procurement has been disclosed;
- (c) all evaluation criteria that will be considered in the evaluation of Bids are disclosed;
- (d) the terms and conditions of the Procurement Contract are included in the Solicitation Document;
and
- (e) there is alignment between the technical requirements and specifications, the pricing structure, and the Contract terms and conditions.

4. Approval of the Solicitation Document

Unless otherwise determined by the Head of Procurement Services, both the Department and Procurement Services must review and approve the final Solicitation Document prior to issuance.

5. Issuance of the Solicitation Document

Email may be used for the issuance of the Solicitation Document. Invited Suppliers must be given a reasonable period of time to submit their Bids.

6. Communication with Bidders and Addenda Process

All communications with the invited Bidders must be in writing, by email, through a single contact person designated in the Solicitation Document. Any other individual who receives inquiries from Bidders must direct those Bidders to the designated contact person.

If questions are received from any invited Bidder during the Procurement process, the questions and their corresponding answers should be consolidated into a question and answer ("Q&A") document that is issued by email to all of the invited Bidders. The Q&A document should not identify the Bidder(s) that asked the question(s).

Any changes to the Solicitation Document must be communicated to all Bidders through a written addendum issued in the same manner as the Solicitation Document. If an addendum containing significant new information is released close to the submission deadline, the submission deadline should be extended to allow the Bidders a reasonable period of time to review and respond to the addendum.

7. Receipt of Bids

Bids must be in writing and may be submitted by email or another electronic submission method specified in the Solicitation Document. Bids must be received in the manner set out in the Solicitation Document. Bids received prior to the submission deadline must be kept confidential until the submission deadline has passed. After the submission deadline has passed, Bids must be opened and reviewed to determine if all mandatory submission requirements have been met in accordance with the process set out in the Solicitation Document.

8. Evaluation of Bids

The Department is responsible for establishing the evaluation team and conducting the evaluation process in accordance with the evaluation methodology disclosed in the Solicitation Document. Where the evaluation is based only on price, the Bids must be reviewed by at least two individuals from the Department and/or Procurement Services. Where the Solicitation Document includes evaluation criteria in addition to price, the Bids should be evaluated by a minimum of three evaluators from the Department.

9. Selection of Preferred Bidder(s)

The Department is responsible for recommending the selection of the preferred Bidder(s) based on the results of the evaluation process in accordance with the Solicitation Document. The Department's recommendation to award a Contract to the preferred Bidder(s) must be approved by Procurement Services. The Contract Award Approval form in Appendix A should be completed and submitted to the Head of Procurement Services. All individual evaluator score sheets, the summary score sheet and any applicable notes in support of the scores must accompany the form.

Procurement Services will send the selected Bidder a notice of selection asking the Bidder to satisfy any conditions of award set out in the solicitation.

10. Contract Finalization

Once all required approvals are obtained and any conditions of award are satisfied, a Purchase Order attaching or referencing the Contract terms and conditions set out in the Solicitation Document will be issued by Procurement Services or, if a legal agreement is to be signed by the City and the Supplier, the agreement will be executed in accordance with the Authorization Schedule.

11. Notification of Unsuccessful Suppliers

After the Contract with the selected Supplier has been finalized, Procurement Services will promptly notify the unsuccessful Suppliers of the outcome.

12. Communication with Suppliers Regarding Outcome

Any requests for debriefing or any questions or complaints about the outcome of the process must be directed to the contact person designated in the Solicitation Document. If a debriefing is held, it should be conducted in accordance with the Bidder Debriefing Protocol.

13. Documentation

Procurement Services is responsible for creating and maintaining a Procurement file containing copies of the following documents:

- (a) the approved Procurement Authorization Form;
- (b) the Procurement Plan;
- (c) the final version of the Solicitation Document that was issued to Suppliers;
- (d) records of any communications with invited Suppliers;
- (e) copies of all addenda that were issued to Suppliers;
- (f) all Bids received from Suppliers;
- (g) any notes with respect to the review and evaluation of Bids;
- (h) documented approval for the Contract award; and
- (i) the Purchase Order and any other Contract documents.

APPENDIX A – INVITATIONAL COMPETITION CONTRACT AWARD APPROVAL

Department:	
Department Lead:	
Date:	

Description of the Deliverables:	
Recommended Supplier Name:	
Total Procurement Value:	
Funding Source:	

Date RFQ Issued:	
Submission Deadline:	

Invited Supplier Name	Quote Received	Met Requirements	Amount of Quote	Total Score (if applicable) *
	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	\$	
	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	\$	
	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	\$	
	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	\$	

* Total score is only applicable if the evaluation process included non-price rated criteria.

Department Lead:	Signature: Date:
Head of Procurement Services:	Signature: Date:

Open Competition Protocol

1. Purpose and Interpretation

The purpose of this protocol is to set out the steps and identify roles and responsibilities for conducting an Open Competition. Defined terms used in this protocol have the meaning assigned in the Glossary of Terms (Schedule A) in the Procurement Policy.

2. Responsibility for Conducting Open Competitions

Open Competitions will be conducted by Procurement Services with the assistance and co-operation of the Department. Departments are not permitted to conduct Open Competitions without the involvement of Procurement Services.

3. Preparing the Solicitation Document

The appropriate Solicitation Document format must be determined in consultation with Procurement Services using the Format Selection Protocol. The information contained in the Procurement Plan and the template for the selected format will be used to assemble the Solicitation Document.

When preparing a Solicitation Document for an Open Framework Competition to establish a Qualified Supplier Roster, refer to the Qualified Supplier Rosters Protocol.

The principles and guidelines in the Document Drafting Protocol should be followed. All items in the Solicitation Document Checklist (Appendix A) must be confirmed before the Solicitation Document is finalized.

4. Approval of Solicitation Document

Both the Department and Procurement Services must review the assembled Solicitation Document to ensure that all of the requirements in the Solicitation Document Checklist (Appendix A) are met and must approve the final Solicitation Document prior to issuance.

5. Procurement Notice

Procurement Services is responsible for posting notice of the Procurement online. Suppliers must be able to access the notice free of charge. The Procurement Notice Checklist (Appendix B) must be used to ensure all required information is included in the notice.

6. Posting Solicitation Document

Procurement Services is responsible for posting the Solicitation Document online. The Solicitation Document should be posted at the same time as the notice.

7. Time Period for Bid Submission

Suppliers must be provided sufficient time to prepare and submit responses to the Solicitation Document. The minimum time periods set out below require that both the notice of Procurement and the Solicitation Document are posted and available to Suppliers electronically in accordance with Sections 5 and 6 above.

If responses are accepted by electronic means, Suppliers must be given a minimum of 25 calendar days to respond to the Solicitation Document. A longer response time may be considered reasonable based on the nature and complexity of the procurement.

If electronic submission of responses is not permitted, a minimum time period of 30 calendar days must be provided.

A shorter time period is not advisable and may only be considered under the following circumstances:

- (a) There is a state of urgency that does not allow for the regularly required time period, whereby a valid reason for the urgency must be substantiated and documented. Lack of advance planning will not be considered a valid reason.
- (b) The Procurement is solely for commercial goods or services and Bids are accepted by electronic means. "Commercial goods or services" means goods or services of a type generally sold or offered for sale in the commercial marketplace to, and customarily purchased by, non-governmental buyers for non-governmental purposes.
- (c) A limited number of prequalified Suppliers are being invited to respond to a second-stage competitive procurement.

In any of the above cases, the minimum time period must not be less than ten calendar days.

8. Communication with Potential Bidders and Addenda Process

- (a) All communications with potential Bidders after the posting of the Solicitation Document must be made in writing through a single contact person designated in the Solicitation Document. The designated contact person must be a representative of Procurement Services.
- (b) Any Department employee or any other individual who receives inquiries from potential Bidders must direct those Bidders to the designated contact person in Procurement Services and must not discuss the Procurement with any potential Bidder or Supplier.
- (c) It is recognized that there may be instances where Department employees have ongoing relationships with Suppliers with respect to existing Contracts and that those Suppliers may be potential Bidders in other procurements. In such instances, Department employees are not prevented from speaking to such Suppliers with respect to ongoing projects and Contracts, but they should refrain from discussing upcoming or active procurements.
- (d) All Bidder questions must be submitted in writing to the designated contact person. The designated contact person will forward all questions of a technical nature to the Department. The Department will provide the responses to Procurement Services, and Procurement Services will consolidate all Bidders' questions and the responses and post the consolidated question and

answer ("Q&A") document as an addendum. The Q&A document should not identify which Bidder asked which question. Questions that are duplications may be consolidated, so long as all legitimate Bidder questions and concerns are addressed.

- (e) All changes to the Solicitation Document must be communicated to all Bidders through a written addendum issued by Procurement Services. If the Department needs to make changes to a Solicitation Document after it has been posted, all such changes (including changes to the scope, evaluation criteria or schedule) must be provided to Procurement Services. Procurement Services will prepare the addendum and provide it to the Department for review and approval. Once approved, the addendum will be issued by Procurement Services in the manner set out in the Solicitation Document.
- (f) If an addendum containing significant new information or modifications is released close to the submission deadline, Procurement Services must extend the submission deadline to allow Bidders a reasonable period of time to review and respond to the addendum.

9. Receipt of Bids

Procedures for the receipt, opening, and treatment of Bids must guarantee the fairness and impartiality of the Procurement process and the confidentiality of Bids.

If Bids are received electronically, the system must establish time of receipt and Bids must not be accessed until the submission deadline has passed.

If Bids are received physically, the submissions must be time-stamped upon receipt, must be securely stored, and must not be opened until the submission deadline has passed.

Suppliers must not be penalized for the late submission of a Bid if the delay in receiving the Bid is due solely to mishandling on the part of the City.

10. Review of Mandatory Submission Requirements

To be considered for an award, a Bid must be compliant with the essential requirements set out in the notices and Solicitation Document and be from a Supplier that satisfies any conditions for participation.

Once the Bids have been opened, Procurement Services must review all Bids to ensure compliance with the mandatory submission requirements set out in the Solicitation Document. Where no rectification period has been allowed for in the Solicitation Document, those Bids that do not meet the mandatory submission requirements are disqualified and must not be evaluated further.

If the Solicitation Document provides for a rectification period, Procurement Services will send any Bidder that did not meet a mandatory submission requirement a rectification notification informing them that it will have the opportunity to meet the mandatory submission requirement within the specified rectification period. After the expiration of the rectification period, any Bidders that have failed to meet all mandatory submission requirements are disqualified and must not be evaluated further. The Bids that have satisfied the mandatory submission requirements will be provided to the Department for evaluation. Note that a rectification period is applicable only if explicitly provided for in the Solicitation Document and must never be included in a legally binding Contract-A Solicitation Document.

11. Evaluation of Bids

The evaluation process must be fair, defensible, and transparent and must comply with the evaluation methodology disclosed in the Solicitation Document.

Departments are responsible for establishing the evaluation team and conducting the evaluation process. A minimum of three evaluators must participate in the evaluation process. Whenever possible, a representative of Procurement Services will serve as a facilitator and advisor to the evaluation team. The evaluation team must ensure that the evaluation plan as indicated in the Solicitation Document is followed and that the scoring of the Bids is defensible.

All evaluation team members must sign a declaration stating that they have no conflicts of interest in respect of the Procurement process and agreeing to keep the content of Bids and the evaluation confidential.

11.1 Assessment of Mandatory Technical Requirements

The evaluation team will assess whether the Bids satisfy the mandatory technical requirements set out in the Solicitation Document. Bids that do not satisfy the mandatory technical requirements will be disqualified and must not be evaluated further.

If there is uncertainty with respect to whether or not a Bid satisfies a mandatory technical requirement, the evaluation team must consult with Procurement Services to determine the appropriate course of action.

Where it is clear that a Bid fails to satisfy any mandatory technical requirement, the evaluation team must notify Procurement Services.

Procurement Services is responsible for notifying a Bidder that their Bid has been disqualified. Under no circumstances is the evaluation team or any other Department employee to communicate directly with Bidders regarding the evaluation process.

11.2 Low-Bid Evaluation

In a low-bid evaluation process, the Contract is awarded to the Bidder that submitted the compliant Bid with the lowest price.

Once the mandatory requirements have been reviewed, the evaluation team will review the compliant Bids and determine the lowest submitted price.

11.3 Evaluated Criteria (High-Score) Evaluation

Once all evaluators have conducted their individual evaluations, the entire evaluation team should meet to finalize their scores. A representative of Procurement Services may serve as an observer and advisor to the evaluation team.

During the meeting for the finalization of scores, any discrepancies in scoring between the individual evaluators should be discussed. Evaluators should explain how they arrived at the particular score they assigned and point out the relevant information in the Bid that supports the score. Evaluators may adjust

their scores based on these discussions, but they should not feel compelled to do so if they feel the score they have assigned is fair and supported by the content of the Bid. Where there is no consensus among the evaluators, the Bidder's score for each of the criteria should be determined by averaging the scores assigned by each individual evaluator.

If the evaluation team wishes to seek clarification from a Bidder in respect of information contained in its Bid, the evaluation team must consult with Procurement Services. The evaluation team should prepare a draft of the clarification questions it proposes to ask the Bidder for review by Procurement Services. If determined to be appropriate, Procurement Services will send the clarification request to the Bidder. The Bidder's response will be provided to Procurement Services. Procurement Services will review the response from the Bidder and, if it is determined to be appropriate, will provide it to the evaluation team.

Once the evaluation of non-price factors has been completed and the scores for the non-price factors have been totalled, the evaluation team should factor in the evaluation of price in accordance with the method set out in the Solicitation Document.

11.4 Interviews and Presentations

Where expressly set out in the Solicitation Document, interviews and presentations may be used during an evaluation process. Interviews and presentations should be scheduled in advance to allow Bidders the opportunity to prepare. All Bidders should be provided with the same amount of time for the interview and presentation and be provided with the same level of review. The evaluation of interviews and presentations must be consistent with the process set out in the Solicitation Document.

11.5 Concurrent Negotiations and Best and Final Offer ("BAFO") Process

Where expressly set out in the Solicitation Document, the evaluation process may include a process for engaging in negotiations or discussions with a short-list of Bidders followed by the submission of BAFOs.

In such cases, the evaluation team will evaluate the original Bid submissions and will create a short-list based on the results of those evaluations and the process set out in the Solicitation Document. The Department Lead is responsible for submitting a recommendation for selection of the short-listed Bidders to Procurement Services for approval. Procurement Services will notify the selected Bidders that they have been selected, facilitate the scheduling of the negotiation sessions, and manage the submission process for the BAFOs.

The deadline for the submission of BAFOs must be the same for all participating bidders. BAFOs must then be evaluated in accordance with this procedure and the process set out in the Solicitation Document.

12. Selection of Preferred Bidder(s)

The preferred Bidder(s) will be determined based on the results of the evaluation process in accordance with the Solicitation Document.

Where the competition is intended to result in the award of a Contract to the selected Bidder, the Department Lead is responsible for submitting a recommendation for selection of the preferred Bidder to Procurement Services for approval. All individual evaluator score sheets, the summary score sheet, and any applicable notes in support of the scores must accompany the selection recommendation.

Where the competition is intended to result in the prequalification of Bidders that will be eligible to participate in a second-stage Competitive Process, the Department Lead is responsible for submitting a recommendation to prequalify the preferred Bidders to Procurement Services for approval. Procurement Services will be responsible for notifying the Bidders of the outcome of the prequalification process.

All selection decisions must be authorized in accordance with the Authorization Schedule.

13. Contract Negotiation and Award

Where the Solicitation Document provides for Contract negotiations with the preferred Bidder, Procurement Services will send the selected Bidder a notice of selection inviting the Bidder to enter into Contract negotiations.

Where the Solicitation Document does not provide for negotiation of the Contract with the selected Bidder(s), the selected Bidder(s) must enter into the form of Contract included in the Solicitation Document, and Contract negotiations are not generally permitted. Procurement Services will send each selected Bidder a notice of selection asking the Bidder to satisfy any conditions of award set out in the Solicitation Document.

All Contract award decisions must be authorized in accordance with the Authorization Schedule.

The Contract is awarded once negotiations are successfully completed, if applicable, and all conditions of award set out in the Solicitation Document have been satisfied. If a legal agreement is to be signed, the Contract is awarded when both the Supplier and the City have signed the agreement. In the absence of a signed legal agreement, the Contract is awarded at the time a Purchase Order is issued to the Supplier.

Contracts must be issued or executed in accordance with the Authorization Schedule.

14. Cancellation of Competitive Process

Where the deadline for submission of Bids has passed and Bids have been received, the Procurement process must not be cancelled without the approval of Procurement Services, in consultation with Legal Services where necessary.

15. Notification

Unsuccessful Bidders must be promptly informed of Contract award decisions.

16. Debriefings

Unsuccessful Bidders may request a debriefing. When requested, debriefings must be scheduled and conducted by Procurement Services and the appropriate Department representative.

17. Notice of Award

Within 72 days of awarding a Contract, a notice of award must be published online and must remain readily accessible for a reasonable period of time. The Procurement Notice Checklist (Appendix B) must be used to ensure all required information is included in the notice.

14. Documentation

Procurement Services is responsible for ensuring that all documentation relating to the Procurement is properly filed and maintained in the Procurement file. The following are the minimum requirements of what should be kept in each Procurement file:

- (a) the approved Procurement Authorization Form;
- (b) the Procurement Plan;
- (c) the final Solicitation Document(s);
- (d) records of any communications with Bidders or potential Bidders;
- (e) copies of all addenda;
- (f) copies of all Bids received from Bidders;
- (g) all records of evaluation processes, including evaluator notes and final scores;
- (h) the final recommendation memo together with all required approvals;
- (i) records of any debriefing requests and outcomes; and
- (j) records of any Supplier complaints and related correspondence.

APPENDIX A – SOLICITATION DOCUMENT CHECKLIST

The following must be confirmed before the Solicitation Document is finalized:

- ☐ The most up-to-date template is used.
- ☐ All material information relevant to the Procurement has been disclosed, including:
 - ☐ a complete description of the procurement, including the nature and the quantity of the goods or services to be procured; or if the quantity is not known, the estimated quantity and any requirements to be fulfilled, including any technical specifications, requirements for servicing or warranty; transition costs, if applicable; and applicable conformity assessment certification, plans, drawings, or instructional materials;
 - ☐ any conditions for participation of Suppliers, including a list of information and documents that Suppliers are required to submit in connection with the conditions for participation;
 - ☐ a clear description of the method that will be used to evaluate Bids and select the successful Bidder(s);
 - ☐ all evaluation criteria, and, unless price is the sole criterion, the weighting of the criteria;
 - ☐ submission instructions, including any authentication and encryption requirements or other requirements related to the submission of information by electronic means;
 - ☐ any dates for the delivery of goods or the supply of services, which must take into account such factors as the complexity of the procurement, the extent of subcontracting anticipated, and the realistic time required for producing, de-stocking, and transporting goods from the point of supply or for supply of services; and
 - ☐ other material terms and conditions, including terms of payment.
- ☐ The terms and conditions of the Contract are appropriately contained in the term sheet or form of agreement.
- ☐ There is alignment between the technical requirements and specifications, the pricing structure (where applicable), and the Contract terms and conditions.
- ☐ In the case of a Solicitation Document to establish a Standing Offer, the Solicitation Document indicates how subsequent purchases will be made from under the Standing Offer.
- ☐ The Solicitation Document does not include:
 - ☐ conditions for participation that are not essential to ensuring that a Supplier has the legal and financial capacities and the commercial and technical abilities to provide the goods or services;
 - ☐ biased or branded technical specifications;

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- ☐ local content or other economic benefits criteria that are designed to favour Suppliers from a particular geographic location (region, territory, province, or nation) or goods or services of a particular geographic location; or
- ☐ requirements that Bidders have previously been awarded Contracts by the City or have prior experience in a particular geographic location.

APPENDIX B – PROCUREMENT NOTICE CHECKLIST

For each Open Competition, a summary notice, a detailed notice of intended procurement, and a notice of Contract award must be published and must be accessible by electronic means free of charge. Use the checklist below to ensure that all required information is included in the notices.

Summary Notice

A summary notice must be posted online at the same time as the detailed notice and must contain at least the following information:

- ☐ the subject matter of the procurement;
- ☐ information on how to obtain all relevant documents relating to the Procurement process; and
- ☐ the date and time of the submission deadline.

Notice of Intended Procurement

The detailed notice must include all of the following information:

- ☐ procuring entity's name and address;
- ☐ contact information (phone and/or email) of contact person;
- ☐ information on how to obtain all relevant documents relating to the procurement;
- ☐ the cost and terms of payment, if any, for the Procurement documents;
- ☐ a description of the procurement;
- ☐ the nature and the quantity of the goods or services to be procured or, if the quantity is not known, the estimated quantity;
- ☐ the timeframe for delivery of goods or services or the duration of the Contract;
- ☐ a description of any options;
- ☐ the Procurement method that will be used and whether it will involve negotiations or electronic auction;
- ☐ the language(s) in which submissions will be accepted;
- ☐ the date and time of the Bid submission deadline;
- ☐ the location for submission;
- ☐ if there will be a public opening, the date and time of the public opening; and

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- ☐ an indication that the Procurement is covered by Chapter 19 of the *Canada-European Union Comprehensive Economic and Trade Agreement* (the “CETA”) and/or Chapter 5 of the *Canadian Free Trade Agreement* (the “CFTA”).

In the case of a two-stage competition, where the City intends to select a limited number of qualified Suppliers to be invited to participate in the second-stage competition, the notice must include all of the above, and:

- ☐ the criteria that will be used to select them and, if applicable, any limitation on the number of Suppliers that will be permitted to participate in the second-stage competition.

Notice of Contract Award

Within 72 days of awarding a Contract, a notice of award must be published online and must remain readily accessible for a reasonable period of time.

The notice must include at least the following information:

- ☐ the name and address of the procuring entity;
- ☐ the name and address of the successful Supplier;
- ☐ a description of the goods or services procured;
- ☐ the value of the successful Bid or the highest and lowest offers taken into account in the award of the Contract;
- ☐ the date of award; and
- ☐ the type of Procurement method used.

Non-Standard Procurement Protocol

1. Purpose

The purpose of this protocol is to set out the procedures and requirements for acquiring Deliverables through a Non-Standard Procurement process. Defined terms used in this protocol have the meaning assigned in the Glossary of Terms (Schedule A) in the Procurement Policy.

2. Non-Standard Procurement

“Non-Standard Procurement” means the acquisition of Deliverables through a process or method other than the standard method required for the type and value of the Deliverables. Non-Standard Procurement methods include:

- (a) acquiring Deliverables directly from a particular Supplier without conducting a Competitive Process when an Invitational Competition or an Open Competition would normally be required; and
- (b) soliciting Bids from a limited number of Suppliers without conducting an open prequalification process when an Open Competition would normally be required.

3. Authorization for Non-Standard Procurement

To obtain authority for a Non-Standard Procurement, the Department must complete the Non-Standard Procurement Authorization Form (Appendix A) (the “Authorization Form”). Non-Standard Procurement may be permitted only if one or more of the reasons in the Authorization Form apply to the procurement.

The completed Authorization Form must be approved and signed in accordance with the Authorization Schedule prior to acquiring any goods or services or engaging in any Contract negotiations with a Supplier.

If the Procurement Value is less than the applicable Open Competition Threshold, the Department Head may authorize the Procurement and delegate the authority to procure to the Department Lead.

If the Procurement Value is equal to or greater than the applicable Open Competition Threshold, the Department Head submits the Non-Standard Procurement Authorization Form to the Procurement Review Committee (“PRC”). The PRC reviews and addresses any concerns with the Department Head.

If the Procurement Value is less than \$1 million, the PRC may authorize the Procurement and delegate the authority to procure to the Department Head. The decision of the PRC to authorize the Non-Standard Procurement must be unanimous.

If the Procurement Value is equal to or greater than \$1 million, the PRC and the Department Head submits a report to Council for authority to proceed with the procurement. Council may authorize the Procurement and delegate the authority to procure to the Department Head.

4. Contracts for Non-Standard Procurements

When a non-competitive Procurement is authorized, the Department is responsible for negotiating and finalizing the Contract for the Deliverables in accordance with the Procurement Policy and the Negotiation Protocol. Departments are encouraged to consider the guidance on pricing structure selection and describing the requirements and specifications set out in the Document Drafting Protocol.

5. Non-Standard Procurement Report

In addition to the general record-keeping requirements under the Procurement Policy, a written report must be prepared for each Contract awarded through a Non-Standard Procurement, including the value and kind of goods or services procured and a statement indicating the circumstances and conditions that justified the use of a Non-Standard Procurement. The report and any supporting documentation, including the approved Procurement Authorization Form must be maintained for a minimum of three years from the Contract award date, or such longer period as may be required under the City's document management policies.

6. Notice of Award

If the Procurement Value is equal to or greater than the applicable Open Competition Threshold, Procurement Services must publish the notice of award online within 72 days of the Contract award. The notice must include at least the following information:

- (a) a description of the goods or services procured;
- (b) the name and address of the procuring entity;
- (c) the name and address of the successful Supplier;
- (d) the date of award; and
- (e) a description of the circumstances justifying the use of a Non-Standard Procurement.

APPENDIX A – NON-STANDARD PROCUREMENT AUTHORIZATION FORM

Department:	
Department Lead:	
Date:	
Description of Deliverables:	
Recommended Supplier:	
Procurement History:	<p>Has the Department previously acquired similar Deliverables through a Non-Standard Procurement?</p> <p>YES / NO</p> <p>If yes, were the Deliverables previously acquired from the recommended Supplier?</p> <p>YES / NO</p>
Proposed Contract Term: Indicate initial term and any optional extension terms.	
Estimated Procurement Value:	
Funding Source:	

Identify the reason(s) for the Non-Standard Procurement:	
<input type="checkbox"/>	An Open Competition was conducted for the required goods or services and did not result in the receipt of any valid Bids.
<input type="checkbox"/>	<p>The Procurement is for:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Goods intended for resale to the public <input type="checkbox"/> Goods purchased on a commodity market <input type="checkbox"/> Financial services <input type="checkbox"/> Health services <input type="checkbox"/> Social services <input type="checkbox"/> Services provided by licensed lawyers or notaries <input type="checkbox"/> Services of expert witnesses or factual witnesses used in court or legal proceedings
<input type="checkbox"/>	<p>The goods and/or services are to be procured from:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Government entity <input type="checkbox"/> Philanthropic institution <input type="checkbox"/> Prison labour <input type="checkbox"/> Persons with disabilities <input type="checkbox"/> Non-profit organization* <p><i>*This reason does not apply to procurements that are covered by the Canada-European Union Comprehensive Economic and Trade Agreement (the "CETA").</i></p>
<input type="checkbox"/>	<p>It can be demonstrated that the goods or services can be supplied only by a particular Supplier and no alternative or substitute exists for the following reason(s):</p> <ul style="list-style-type: none"> <input type="checkbox"/> There is an absence of competition for technical reasons. <input type="checkbox"/> Patents, copyrights, or other exclusive rights must be protected. <input type="checkbox"/> The requirement is for a work of art.
<input type="checkbox"/>	<p>The Procurement is for additional deliveries by the original Supplier of goods or services that were not included in the initial Procurement if a change of Supplier for such additional goods or services:</p> <ul style="list-style-type: none"> • cannot be made for economic or technical reasons such as requirements of interchangeability or interoperability with existing equipment, software, services, or installations procured under the initial procurement; and • would cause significant inconvenience or substantial duplication of costs for the City.
<input type="checkbox"/>	The Procurement is for goods or consulting services regarding matters of a confidential or privileged nature and the disclosure of those matters through an Open Competition could reasonably be expected to compromise government confidentiality, result in the waiver of privilege, cause economic disruption, or be contrary to the public interest.
<input type="checkbox"/>	<p>The Procurement is for:</p> <ul style="list-style-type: none"> <input type="checkbox"/> a prototype or a first good or service to be developed in the course of and for a particular Contract for research, experiment, study, or original development, but not for any subsequent purchases. <input type="checkbox"/> goods available under exceptionally advantageous circumstances that arise only in the very short term, such as liquidation, bankruptcy, or receivership.

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<input type="checkbox"/>	a Contract to be awarded to the winner of a design contest and the contest was organized in a fair and transparent manner and was advertised by publicly posted notice and participants were judged by an independent jury.
<input type="checkbox"/>	The Procurement is being conducted on behalf of an entity that is not covered by the Procurement Policy or any trade agreement.
<input type="checkbox"/>	Unforeseeable events have resulted in a situation where extreme urgency exists and the goods or services could not be obtained in time through an Open Competition. <i>* The Department Lead must clearly identify and explain the unforeseeable events that brought about the urgency. Failure to plan for and proceed with a Procurement in a timely manner will not be considered a valid reason for a Non-Standard Procurement.</i>
<input type="checkbox"/>	The Procurement Value is below the Open Competition Threshold and it is in the best interests of the City to proceed with a Non-Standard Procurement. <i>* The Department Lead must clearly explain why it is in the City's best interest to proceed with a Non-Standard Procurement rather than an Invitational Competition.</i>
<input type="checkbox"/>	The Procurement is otherwise exempt from Open Competition requirements under all applicable trade agreements, and it is in the best interests of the City to proceed with a Non-Standard Procurement. <i>* The Department Lead must indicate the specific section(s) of the applicable trade agreements that provide for the exemption and clearly explain why it is in the City's best interest to proceed with a Non-Standard Procurement rather than an Open Competition.</i>

Insert details to explain and support the identified reason(s) and attach any relevant documentation.

Procurement Authorization

All Non-Standard Procurement Authorization Forms must be approved in accordance with the Authorization Schedule.

Authorized by the Department Head	Signature: _____ Name: _____ Date: _____
<p>If Procurement value is at or above the Open Competition Threshold and below \$1 million</p> <p>The PRC agrees that a Non-Standard Procurement is justified under the circumstances.</p> <p>Signature: _____ Name: _____ Title: _____ Date: _____</p> <p>Signature: _____ Name: _____ Title: _____ Date: _____</p> <p>Signature: _____ Name: _____ Title: _____ Date: _____</p>	
<p>If the Procurement value is at or above \$1 million</p> <p>Authorization of the CAO must be obtained and attached to this form.</p>	

Qualified Supplier Rosters Protocol

1. Purpose

The purpose of this protocol is to provide procedures and guidance for establishing and managing Qualified Supplier Rosters.

2. Interpretation

Defined terms used in this protocol have the meaning assigned in the Glossary of Terms (Schedule A) in the Procurement Policy.

For ease of reference, the following defined terms are repeated here:

“Open Framework Competition” means the Competitive Process used to establish a Qualified Supplier Roster and provide for an ongoing application process during the term of the Qualified Supplier Roster, as further described in this protocol.

“Qualified Supplier Roster” means a list of Suppliers that have participated in and successfully met the requirements of a Request for Supplier Qualifications (“RFSQ”) and have therefore been prequalified to perform discrete work assignments involving the delivery of a particular type of deliverable.

“Roster Competition” means an expedited, invitational competition between Suppliers that have been included on a Qualified Supplier Roster for the selection of a Supplier to perform a discrete work assignment during the term of the roster.

“Master Framework Agreement” means a master agreement entered into between the City and the prequalified Suppliers that have been included on a Qualified Supplier Roster.

3. Establishing a Qualified Supplier Roster

When a Department or multiple Departments require the same type of good or service on a regular or recurring basis, it may not be efficient or cost-effective to initiate a new open Procurement process each time that particular good or service is required. In such cases, a Qualified Supplier Roster of prequalified Suppliers should be established.

Procurement Services is responsible for establishing Qualified Supplier Rosters in co-operation with Departments. An Open Framework Competition is conducted through the public issuance of an RFSQ, and Suppliers are pre-screened based on the qualification criteria and evaluation process set out in the RFSQ.

The evaluation process must specify the minimum threshold and conditions that must be met in order for a Supplier to be considered qualified. Due to the variability of requirements, Qualified Supplier Rosters do not generally include firm pricing for all items in scope. In some cases, the RFSQ may include a requirement to provide ceiling prices, maximum hourly rates, or unit prices that the Supplier agrees not to exceed when submitting a Bid in response to a Roster Competition during the term of the Qualified Supplier Roster or for a shorter specified period of time. If the Qualified Supplier Roster is intended to be in place for a long

or indefinite period of time, it is not reasonable to require ceiling prices or maximum rates unless a reasonable price escalation mechanism will apply.

The qualified Suppliers meeting all of the requirements and conditions in the RFSQ process will be invited to enter into a Master Framework Agreement. Procurement Services is responsible for entering into and managing Master Framework Agreements on behalf of the City.

The Master Framework Agreement will set out the process for Roster Competitions and the general terms and conditions that will govern any future work assignments. Upon execution of the Master Framework Agreement, the qualified Supplier will be included on the Qualified Supplier Roster. As the need for the Deliverables arises, the City will select one or more of the Suppliers on the Qualified Supplier Roster to perform the work assignment through a Roster Competition.

A Qualified Supplier Roster does not result in any commitment by the City to purchase Deliverables from the Supplier. The Supplier may be selected, in accordance with the Roster Competition, to provide the Deliverables on a non-exclusive basis.

4. Preparing the RFSQ

The Solicitation Document should be prepared using the Roster Framework template. The following information must be addressed in the RFSQ:

- ☐ the qualification criteria and evaluation process;
- ☐ the threshold evaluation score needed in order to be included on the Roster; and
- ☐ the term of the Master Framework Agreement.

The RFSQ must not include:

- ☐ conditions for participation that are not essential to ensure that a Supplier has the legal and financial capacities and the commercial and technical abilities to provide the goods or services;
- ☐ local content or other economic benefits criteria that are designed to favour Suppliers from a particular geographic location (region, territory, province, or nation) or goods or services of a particular geographic location; or
- ☐ requirements that Bidders have previously been awarded Contracts by the City or have prior experience in a particular geographic location.

The Master Framework Agreement must be attached to the RFSQ and should include details regarding the management of the Qualified Supplier Roster, including:

- ☐ the process by which new Suppliers will be given the opportunity to qualify for inclusion in the Qualified Supplier Roster;
- ☐ the process by which Suppliers may be removed from the Qualified Supplier Roster; and
- ☐ the process for conducting Roster Competitions.

5. Conducting the Open Framework Competition

To establish a Qualified Supplier Roster, the Open Framework Competition should be conducted in accordance with the following:

5.1 Procurement Notice

Procurement Services is responsible for posting notice of the opportunity online. Suppliers must be able to access the notice free of charge. The notice inviting interested Suppliers to apply for inclusion in a Qualified Supplier Roster must include:

- ☐ procuring entity's name and address;
- ☐ contact information (phone and/or email) of contact person;
- ☐ information on how to obtain all relevant documents relating to the list;
- ☐ a description of the goods or services, or categories thereof, for which the Qualified Supplier Roster may be used;
- ☐ the conditions for participation to be satisfied by Suppliers for inclusion on the list and the methods that the procuring entity will use to verify that a Supplier satisfies the conditions;
- ☐ the period of validity of the list and the means for its renewal or termination, or if the period of validity is not provided, an indication of the method by which notice will be given of the termination of use of the list; and
- ☐ an indication that the list may be used for Procurement covered by Chapter 19 of the *Canada-European Union Comprehensive Economic and Trade Agreement* (the "CETA") and/or Chapter 5 of the *Canadian Free Trade Agreement* (the "CFTA").

5.2 Posting of Solicitation Document

Procurement Services is responsible for posting the RFSQ document online. The RFSQ document should be posted at the same time as the notice.

5.3 Time Period for Bid Submission

Suppliers must be provided sufficient time to prepare and submit responses to the RFSQ.

Whenever possible, the RFSQ should allow for responses to be submitted by electronic means. If responses are accepted by electronic means, Suppliers must be given a minimum of 25 calendar days to respond. If, for some reason, electronic submission of responses is not permitted, a minimum time period of 30 calendar days must be provided.

5.4 Ongoing Application Process

During the term of the Qualified Supplier Roster, both the notice inviting interested Suppliers to apply for inclusion in a Qualified Supplier Roster and the RFSQ document should be made continuously available,

and Suppliers must be permitted to apply for inclusion in the Qualified Supplier Roster at any time. The same qualification requirements, evaluation process, and Master Framework Agreement that were included in the original RFSQ will apply for the purpose of qualifying new Suppliers for inclusion on the Qualified Supplier Roster.

Applications for qualification must be considered on a quarterly basis and Suppliers must be promptly notified of the outcome. If an application is rejected, the Supplier must be provided with a written explanation of the reasons for the decision. A Supplier that applies for qualification and is not selected for inclusion on the Qualified Supplier Roster will not be permitted to reapply for a minimum of one year.

6. Removing Suppliers from the Qualified Supplier Roster

Suppliers that fail to perform Contracts awarded through a Roster Competition in a satisfactory manner may be removed from the Qualified Supplier Roster and will no longer be eligible to participate in Roster Competitions and will not be eligible to re-qualify during the term of the Qualified Supplier Roster.

In addition to poor performance, Suppliers may also be removed from the Qualified Supplier Roster on grounds such as:

- (a) bankruptcy or insolvency;
- (b) false declarations;
- (c) final judgments in respect of serious crimes or other serious offences; or
- (d) professional misconduct or acts or omissions that adversely reflect on the commercial integrity of the Supplier.

If a Supplier is removed from a Qualified Supplier Roster, the Supplier must be provided with a written explanation of the reasons for the decision.

7. Roster Competitions

The Suppliers on the Qualified Supplier Roster should be invited to compete for discrete work assignments during the term of the Qualified Supplier Roster. The successful Supplier selected from a Roster Competition will provide the required Deliverables for the price quoted in their Bid in accordance with the general terms and conditions contained in the Master Framework Agreement and any specific terms and conditions included in the Solicitation Document used for the Roster Competition.

If the Procurement Value of the required goods and services associated with the work assignment is below the Open Competition Thresholds, an invitational quote process may be used to solicit quotes from the Suppliers on the Qualified Supplier Roster, in accordance with the Master Framework Agreement and any applicable procedures established by Procurement Services.

If the Procurement Value of the required goods and services associated with the work assignment is at or above the Open Competition Thresholds, Procurement Services is responsible for conducting the Roster Competition in accordance with the following:

Procurement Manual

- (a) The notice of intended Procurement must be publicly posted online and must indicate that inclusion on the Qualified Supplier Roster is a condition of participation in the Roster Competition.
- (b) The time period for submission of Bids must not be less than ten calendar days. Longer time periods of up to 25 days should be provided whenever possible.
- (c) If a Supplier that is not included on the Qualified Supplier Roster submits a request to participate in the Roster Competition and submits all required information necessary to apply for inclusion on the Qualified Supplier Roster within the time period for Bid submission, Procurement Services must consider the application and promptly notify the Supplier of the outcome. Only in exceptional cases, due to the complexity of the procurement, may the Supplier be excluded on the grounds that there was insufficient time to consider their application within the time period allowed for the submission of Bids.

If a Supplier that is not included on the Qualified Supplier Roster submits a request to participate in the Roster Competition and submits all required information necessary to apply for inclusion on the Qualified Supplier Roster within the time period for Bid submission, Supplies and Services should consider the application if there is sufficient time to do so within the time period allowed for the submission of Bids.