



GENERAL POLICY MANUAL

SECTION:	Finance	APPROVED BY:	County Council
NUMBER:	6.07	SIGNATURE:	
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Purchasing Policy

POLICY

1.0 Purpose of the Purchasing Policy

- 1.1 To set out guidelines for the County to ensure that all purchases of goods and services provide the best value including, where appropriate, lifecycle costs consistent with the required quality and service.
- 1.2 To promote and maintain an open, transparent and accountable purchasing process by providing clear direction and accountabilities.
- 1.3 To specify the roles and responsibilities of individuals, departments and divisions throughout the procurement process.
- 1.4 To encourage competition and ensure that vendors are treated consistently and fairly during the entire procurement process.
- 1.5 To support a procurement process that is efficient and responds to the County's business needs in a timely manner.
- 1.6 To encourage best practices for environmental sustainability, social acceptability and in keeping with government policy and initiatives through a competitive and transparent bidding process where value is sought by including environmental, economic and social impact criteria as part of the bid evaluation process. The County's commitments are demonstrated in the 100% Renewable Energy Plan, the Zero Waste Plan, the Zero Poverty Plan and Future Oxford Sustainability Plan, which are available at <https://www.oxfordcounty.ca/en/your-government/reports-and-publications.aspx> and <http://www.futureoxford.ca/>.

DEFINITIONS

2.0 Definitions

"Approval Authority" means the authority to approve and award procurements, including any changes to such procurements or contracts within purchasing limits.

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“Best Value” shall mean the consideration of purchase price, warranty, service costs, life cycle costs, time of completion/delivery, inventory carrying costs, operating and disposal costs to determine the lowest compliant bid from a responsive, responsible bidder.

“Bid” shall mean a submission from a prospective bidder in response to a request for the purchase of goods or services issued by the County.

“Bidder” shall mean a person, corporation or other entity that responds, or intends to respond to a procurement.

“Bid Deposit” shall mean a financial guarantee in a form satisfactory to the County to ensure the successful Bidder will enter into an agreement.

“Bidding System” shall mean the online web-based solution for issuing procurements and/or receiving online submission and posting bid results. Herein also known as Electronic Bidding.

“Blanket Order” shall mean the agreement wherein a vendor will sell certain items or provide certain services to the County for an agreed period of time with established terms and conditions.

“CAO” shall mean the Chief Administrative Officer appointed by County Council to exercise general control and management of the affairs of the County.

“Change order” shall mean extra work, additional work, change in work as part of the intended scope of the contract that results in a change to the original contract value.

“Conflict of Interest” shall mean a situation in which the personal or business interest of an elected official, officer, employee or agent of the County who is involved in the process of procuring goods or services comes into conflict, or appears to come into conflict, with the interests of the County.

“Consultant” shall mean to work or serve in an advisory and/or technical capacity; a person or company that possesses unique qualifications which allow them to perform specialized advisory and technical services.

“Contract” shall mean a formal or deliberate written agreement between the County and another party for the purchase of goods, services, equipment or construction pursuant to this Policy. Herein also known as the Agreement.

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“Council” shall mean the Council of the County of Oxford. Herein also referred to as County Council.

“County of Oxford” herein is also referred to as the County, or Oxford County.

“Director” shall mean a head of a department operating within Oxford County.

“Evaluation Criteria” shall mean a benchmark or standard against which accomplishment, performance and suitability of an individual, vendor, alternative, activity, product or plan is measured to select the best vendor through a competitive process. Criteria may be qualitative or quantitative in nature.

“Emergency Purchase” shall mean a purchase made in a crisis situation where immediate action is required to prevent the possible loss of life or property or significant financial loss or environmental impacts or significant impact to service levels.

“Energy Retailer” shall mean a company that contracts the supply of natural gas or electricity to consumers and is not a local utility.

“Finance” shall mean a division of Corporate Services.

“Formal Bid” shall mean a formal sealed response received as a part of a competitive bid.

“Formal Request for Quotation” shall mean a document that sets out particular requirements for goods and/or services.

“Generic” shall mean that no specific brand or name shall be included as part of the specifications unless such a brand or name is required to identify the intent of a purchase, order or proposal.

“Goods” shall mean moveable property including raw materials, products, equipment and other physical objects of every kind and description whether in solid, liquid, gaseous or electronic form.

“In-House Bid” shall mean a Bid that is prepared by an internal County department and is submitted in response to a County competitive procurement process and in competition with external vendors, subject to Section 6.1.4 of this Policy.

“Informal Request for Quotation” shall mean a type of procurement for goods or services that is conveyed and received from bidders in a written format by email, mail or fax.

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

“Labour and Material Bond” shall mean a bond issued by a surety company licensed to operate in the Province of Ontario, to ensure that the contractor will fulfill its obligations to its employees, subcontractors and suppliers and thereby protects the County.

“Lifecycle Cost” shall mean an assessment of the complete cost of an item including initial engineering, design, and construction costs as well as ongoing operational and maintenance costs over the lifespan of the item.

“Lowest Compliant Bidder” shall mean the Bidder who meets the specifications, terms and conditions and provides the required documentation and bid securities outlined in the RFT or Quotation document at the lowest price.

“Performance Bond” shall mean a bond issued by a surety company licensed to operate in the Province of Ontario, executed in connection with a contract and which secures the performance and fulfillment of the undertakings, covenants, terms, conditions and agreements contained in the contracts.

“Procurement” shall mean any and all forms of the purchase of goods and/or services by the County, including but not limited to requests for tenders, requests for quotations, requests for proposal, requests for information, requests for pre-qualification or expression of interest.

“Project Scope” is defined as the statement of work to be undertaken including specifications, objectives and deliverables the project is expected to achieve, as identified in the approved budget, original procurement document and/or the contract award.

“Purchase Order” shall mean the document that is the County’s commitment to the vendor for the value of the goods or services ordered.

“Purchasing Designate” shall mean a person designated by the CAO or Director to exercise any or all responsibilities of the CAO or Director with respect to this Policy within authorized Approval Authority limits.

“Request for Proposal (RFP)” – shall mean an advertised formal bid where a need is identified, but the method by which it will be achieved is unknown at the outset. This process

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allows vendors to propose solutions or methods to arrive at a desired result and each proposal is evaluated based on defined criteria.

“Request for Tender (RFT)” shall mean a document, which sets out particular specifications for the commodity or service required. This can also refer to an offer in writing to execute some specified work or to provide some specified articles at a specified rate.

“Request for Quotation (RFQ)” shall mean a document, which requests prices on specific goods and/or services as specified within the document.

“Roster List” shall mean a list of vendors that have pre-qualified to participate in specific procurements anticipated to be required on a regular basis.

“Sealed Bids” shall mean a formal sealed/secure response received as a part of a procurement.

“Senior Management Team” shall mean the CAO, and Directors of the County of Oxford.

“Services” shall mean intangible products that do not have a physical presence. Such as, without limitation, telephone, gas, water, hydro, janitorial and cleaning services, consultant services, legal surveys, medical and related services, leases for grounds, buildings, office or other space required by the County and the rental, repair or maintenance of equipment, machinery, or other personal and real property.

“Scope Change” shall mean any substantial expansion or extension of a contract beyond the scope of work identified in the approved budget, original procurement document and/or the contract award.

“Treasurer” shall mean a person with chief responsibility for corporate finances at the County.

“Vendor” shall mean any person or enterprise providing goods or services to the County. Herein also referred to as Supplier.

PROCEDURES

3.0 Legislative Authority

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3.1 The *Municipal Act, 2001, Part VI, Section 270*, as amended, states that a municipality and a local board shall adopt policies with respect to its procurement of goods and services. It is deemed appropriate that these policies include provisions with respect to:

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

4.0 Purchasing Responsibilities

4.1 General Responsibilities

- 4.1.1 Procurement activities shall be subject to all applicable County policies and by-laws; any specific provisions of the *Municipal Act*; all other applicable Federal and Provincial legislation, and applicable trade agreements such as: the Canada Free Trade Agreement (CFTA); and the Comprehensive Economic and Trade Agreement (CETA).
- 4.1.2 Failure to adhere to the requirements outlined in this Policy may lead to disciplinary action in accordance with County Policy 5.09 – Progressive Discipline or the applicable collective agreement.
- 4.1.3 The CAO or Director may request exemption from any or all of the purchasing mechanisms outlined in this Policy by submission of a report requesting the same to Council. Such exemption may be granted by resolution. This does not apply to the exclusions that are identified in Section 17 of this Policy.
- 4.1.4 All purchases must be accompanied by detailed invoices or receipts showing details of the purchase and the applicable taxes.
- 4.1.5 Prior to initiating a procurement process, the Purchasing Designate shall consult with County Departments that manage assets for any goods and/or services that affect those assets to ensure the procurement complies with all County policies

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related to that asset.

4.2 Council

- 4.2.1 County Council has ultimate authority for all expenditures. Council delegates this authority by the authorization of budgets or by specific resolution. Finance cannot pay for any item that has not been authorized by Council through budget appropriation or specific resolution.
- 4.2.2 Council may delegate further approval authority as it considers necessary from time to time, including but not limited to, any extended time periods during which Council does not meet.

4.3 CAO and Director

- 4.3.1 Responsible for ensuring all procurement activities, within their respective departments are performed in accordance with this Policy.
- 4.3.2 Responsible for approval of accounts within the approved budget for each division, or any amendment to same as approved by Council. All unspecified capital expenditures require prior Council approval by resolution.
- 4.3.3 Resolutions approving budget amendments, capital expenditures or special appropriations shall contain the purpose of expenditure, cost estimates or expenditure limitation, and the proposed funding source. All staff reports recommending such resolutions shall contain the Director and the CAO's endorsement.
- 4.3.4 The CAO or Director may appoint a Purchasing Designate to exercise any or all responsibilities assigned to their position by this Policy. Any changes to the Purchasing Designate, or changes to purchasing limits, will require prior written notice to Finance (Purchase Authorization Form).

4.4 Purchasing Designate

- 4.4.1 Exercise any or all responsibilities delegated to their position in accordance this Policy.

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4.4.2 During scheduled absences, a Purchasing Designate may delegate signing authority to their authorized alternate approver and provide notice to Finance accordingly.

4.5 Corporate Services

4.5.1 Responsible for administration and compliance monitoring of this Policy.

4.5.2 Provide procurement advice on purchasing goods and/or services in compliance with this Policy.

4.5.3 Develop and maintain purchasing procedures and templates for use as guidelines and for information on purchasing goods and/or services in compliance with this Policy.

4.5.4 Process invoices and issue payments for authorized purchases that adhere to this Policy.

4.5.5 Maintain the list of approved delegated purchasing authorities.

4.6 Prohibitions

4.6.1 No Contract or purchase shall be divided to avoid any requirements of this Policy.

4.6.2 At no time should any County employee use a personal credit card to purchase goods and/or services except for costs related to travel, accommodation and incidentals at conferences or training attended on behalf of the County, when preapproved by their respective Purchasing Designate, in accordance with County Policy 6.02 – Employee Expense Policy.

4.6.3 As a result of the County's procurement from vendors and in accordance with County Policy 5.02 Employee Code of Conduct and Policy 9.17 Council Code of Conduct, the acceptance of gifts, benefits, money, discounts, favours or other assistance by any member of Council, employees of the County, or their families is prohibited.

4.6.4 The purchase of goods and/or services by the County from any member of Council or employee of the County, their family members or from any other source, which would result in a conflict of interest shall be disclosed in accordance with *Municipal Conflict of Interest Act, R.S.O. 1990, c M.50*; County

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Policy 9.17 Council Code of Conduct and/or Policy 5.02 Employee Code of Conduct.

5.0 Approval Authority

- 5.1 Any person delegated approval authority pursuant to this Policy shall ensure that an approved budget (or approved budget amendment) exists for the proposed procurement.
- 5.2 All invoices and accounts from vendors shall be authorized prior to payment, as follows:
 - 5.2.1 For expenditures of \$10,000 or greater a purchase order must be completed, however purchase orders are still recommended for expenditures below \$10,000. A purchase order is not required if the goods and/or services are listed in Section 17 Exclusions of this Policy.
 - 5.2.2 The authorized signature of the CAO, Director or Purchasing Designate, denoting clerical accuracy, budgetary or specific resolution approval and indication that goods and/or services were received in good order must be in place where a purchase order does not exist.
 - 5.2.3 Where a purchase order exists, staff acknowledgement is required to indicate that the goods and/or services were received in good order. This authorization may either be handwritten or electronic.
- 5.3 Between the last regular meeting of Council in any year and the adoption of the budget for the next year, the Treasurer is authorized to pay the accounts of any ordinary business transactions of the County that are required to maintain services. This shall include the payment of accounts or previously approved capital items and projects.
- 5.4 After the approval of the budget, the Treasurer is authorized to pay the accounts approved by the CAO or Director or the appropriate Purchasing Designate.
- 5.5 The approval authority is set out below for each procurement process and value:

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Procurement Process	Procurement Dollar Value	Approval Authority
Competitive Procurement		
Low Dollar Value Procurements	Less than \$25,000	Director/CAO and/or Purchasing Designate
Informal Request for Quotations (RFQ) ¹	Less than \$50,000	Director/CAO and/or Purchasing Designate
Formal RFQ or Request for Proposals (RFP)	Less than \$100,000	Director/CAO and/or Purchasing Designate
RFP or Request for Tenders (RFT)	Less than \$1,000,000	Director/CAO and/or Purchasing Designate OR Council ² <i>(if applicable)</i>
	\$1,000,000 or greater	Council
Non-Competitive Procurement		
Purchase by Negotiation	Less than \$100,000	Director/CAO
	\$100,000 or greater	Council
Emergency Purchases	N/A	Director/CAO and/or Purchasing Designate
Single or Sole Source	Less than \$120,000	Director/CAO
	\$120,000 or greater	Council

¹ Quotes must be retained in accordance with the County's Records Retention By-law 4957-2008 (Policy 6.18).

² Council approval is required if a) the contract is not being awarded to the lowest **compliant** bidder **in an RFT or Quotation or the highest ranking Proponent in an RFP**; or b) Senior level of government requires Council approval; or c) the project is expected to be financed by debenture; or d) there has been a **scope** change to the **project not approved within the budget**.

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5.6 The approval authority for contract awards and for cumulative change orders that exceed the project budget shall follow the approval process outlined below:

Description	Value	Approval Authority
Contract Award Value	Less than or equal to 10% over project budget and within approval authority limits	Purchasing Designate, and/or Director
Cumulative Change Orders	Less than or equal to 10% of contract value and within approval authority limits	
Contract Award Value	Greater than 10% over budget ³	Purchasing Designate, Director and/or CAO
Cumulative Change Orders	Greater than 10% of contract value ³	

For contract award or cumulative change order values equal to or greater than 10% of the budget, the department shall prepare a memo to request authorization for a transfer of funds identifying the account(s) and the background information for the request. The memo must be signed off by Finance staff confirming that funds are available within the same funding source. All transfers must be approved by the Director, CAO and the Treasurer. If funds are not available from the same funding source, Council approval is required.

5.7 Where a contract contains an option for renewal, the contract renewal term may be executed by the approval authority if the Supplier performance is satisfactory and the extension is in the County's best interests.

5.8 When the criteria listed in Section 5 of this Policy have been met, the necessary agreements shall be executed in accordance with County Policy 6.14 - Delegation of Powers and Duties.

6.0 Purchasing Mechanisms

6.1 General

³ CAO will determine whether a report to Council is required on the transfer of funds memo request

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6.1.1 Purchase of goods and/or services of like nature among County departments should be combined through a centralized procurement in order to benefit from greater purchasing power and scalable cost pricing efficiencies, wherever possible.

6.1.2 In estimating the value of a procurement for the purpose of determining the purchasing mechanism, the County will consider the entire duration of the procurement, including options and renewal periods, whether awarded to one or more vendors, in Canadian dollars excluding taxes.

6.1.3 Primary selection criteria will be based on price or life cycle cost prior to any special provisions or additions/deletions calculated into the bid price, providing that all specification requirements are met. Such specifications are to be generic or "as equivalent". All factors influencing the purchasing decision are to be included in the specifications.

6.1.4 The County will not consider in-house bids for goods and/or services that compete with external parties during any procurement process. A decision on in-house delivery will be made prior to entering the procurement process.

6.1.5 The County shall not grant a preference to local vendors contrary to the *Discriminatory Business Practices Act, R.S.O. 1990, c. D.12*.

6.1.6 Bids for capital works or equipment replacement in a Council election year may be requested prior to the adoption of the capital budget, provided the document includes a clause specifically stating that the acceptance of a bid is subject to budget approval by Council and the items specified are subject to change in scope, quantities and/or deletion.

6.1.7 Purchasing mechanisms required for the purchase of goods and/or services are set out in Section 6, 7 and 8, with the exception of those listed in Section 17 Exclusions. Approval authority for all mechanisms is as outlined in Section 5 Approval Authority of this Policy.

6.2 Cooperative Purchasing

6.2.1 The County may participate in cooperative purchasing arrangements with other municipalities or government agencies including Provincial and Federal vendor agreements and/or Group Purchasing Organizations (GPO). The County may take

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advantage of these cooperative opportunities if they are deemed to be in the best interest of the County and the method of procurement used is a competitive method similar to those described in this Policy.

6.2.2 The policies of the government agencies or public authorities issuing the cooperative procurement are to be the accepted policy for that particular procurement.

6.2.3 Notice of participation in buying groups and information regarding these cooperative purchasing initiatives will be posted on the County's Electronic Bidding website.

6.2.4 The County will issue its own purchase order or contract to the successful vendor for the cooperative purchasing arrangement.

6.3 Low-Dollar Value Procurement

6.3.1 The Purchasing Designate shall be authorized to make purchases of goods and/or services up to an amount of \$25,000 from such vendors and upon such terms and conditions as deemed appropriate.

6.3.2 Vendor selection may be made not solely on the basis of cost, but also on ability, quality or workmanship, service, availability, overall performance and experience.

6.4 Informal Request for Quotation

6.4.1 For procurement of goods and/or services with estimated expenditures exceeding \$25,000 and less than \$50,000 from such vendor and upon such terms and conditions as the Director or Purchasing Designate deems appropriate, subject to first obtaining at least three (3) written quotations whenever possible.

6.4.2 Quotations and specifications (as applicable) can be issued and received by email, hard copy and/or fax transmission.

6.5 Formal Request for Quotation

6.5.1 For procurement of goods and/or services with estimated expenditures exceeding \$50,000 and less than \$100,000. May be used for procurement of goods or services less than \$50,000, where appropriate.

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6.5.2 Quotation terms and conditions, and requested vendors, are determined at the discretion of the Purchasing Designate.

6.5.3 The procurement process must follow Section 9, Formal Bid Submissions of this Policy.

6.5.4 Award selection shall be made on the basis of the lowest compliant Bid that meets all terms, conditions and specifications.

6.6 Request for Tender

6.6.1 For procurement of goods and/or services with estimated expenditures exceeding \$100,000.

6.6.2 The County's Request for Tender template shall be used to prepare the procurement document.

6.6.3 The procurement process must follow Section 9, Formal Bid Submissions of this Policy.

6.6.4 Award selection shall be made on the basis of the lowest compliant Bid that meets all terms, conditions and specifications.

6.7 Request for Proposal

6.7.1 A Request for Proposal may be used in place of a tender or quotation when the technical specifications cannot be fully defined or specified, or when alternate methods are being sought to perform a certain function or service.

6.7.2 The County's Request for Proposal template shall be used to prepare the procurement document. The RFP template will identify a list of suggested evaluation criteria for assistance in formulating an evaluation method for use in the RFP. This may include but not be limited to factors such as qualifications and experience, strategy, approach, methodology, scheduling and past performance, facilities, equipment and aspects that would support environmental procurement. Cost will be included as a factor, as best value includes but is not limited to quality and cost.

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6.7.3 The evaluation criteria should incorporate the County's commitment to sustainability including economic, community and environmental factors as value considerations in the bid evaluation process, wherever possible.

6.7.4 The RFP document must clearly outline mandatory, rated, and other criteria that will be used to evaluate submissions, including weighting of each criterion.

6.7.5 Mandatory criteria (i.e. technical standards) should be kept to a minimum to ensure that no bid is unnecessarily disqualified. The RFP document must state that submissions that do not meet the mandatory criteria will be disqualified.

6.7.6 The evaluation criteria and process shall be approved by the Director prior to the issuance of the Request for Proposal.

6.7.7 The RFP evaluation process requires an evaluation team be formed with a minimum of three (3) evaluators to review all compliant proposals against the established criteria, reach consensus on the final rating results, and ensure that the final rating results and supporting documents are retained in the procurement file, in accordance with the County Policy 6.18 – Records Management.

6.7.8 Evaluation team members participating in a RFP evaluation, must disclose any perceived, possible or actual conflicts of interest, in accordance with Policy 5.02 Employee Code of Conduct.

6.7.9 For Requests for Proposals, award selection is based on the highest ranked compliant Bid following the evaluation of proposals.

6.8 Pre-Qualification of Vendors

6.8.1 A request for pre-qualification or expression of interest document may be issued to pre-qualify vendors for projects prior to the issuance of a request for tender or proposal.

6.8.2 The purpose of the pre-qualification is to ensure that each vendor proposing to perform work for the County can demonstrate their ability to provide the necessary expertise and resources to complete the work required.

6.8.3 Projects that could be considered for pre-qualification include, but are not limited to the following:

- a) Projects with a large cash flow (i.e. greater than \$1.5 million);

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- b) Construction projects that require specific expertise or equipment; or
- c) Consulting projects that require specific expertise.

6.8.4 Selection of pre-qualified vendors will be based on the evaluation criteria disclosed within the document. An evaluation team shall review all compliant submissions against the established criteria.

6.8.5 Evaluation team members participating in a RFPQ evaluation, must disclose any perceived, possible or actual conflicts of interest, in accordance with Policy 5.02 Employee Code of Conduct.

6.8.6 As a result of pre-qualification, the County will only allow those who are pre-qualified to participate in the bidding process for the scope of work and/or services as specified in the procurement document.

6.9 Roster List

6.9.1 The County may elect to maintain a list of pre-qualified vendors on a roster list when it is in the County's best interest to do so. The roster shall define the type of services included as part of the process.

6.9.2 Roster lists shall be valid for a maximum term of three (3) years after which a procurement shall be issued to establish a new roster. The term of roster must be stated at the time the procurement is issued and that further notices will be published.

6.9.3 The procurement document shall identify how the projects will be awarded to the rostered vendors.

6.9.4 Purchasing Designates are required to determine if a roster list is available for any goods or services they require prior to making a purchase.

6.10 Blanket Order

6.10.1 The Director or Purchasing Designate may establish a Blanket Order for frequently used goods or services based on the estimated annual expenditure using the applicable purchasing mechanism within this Policy. The purchasing mechanism will establish the source and price with the selected vendor for the duration of the contract term.

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6.10.2 Blanket Orders shall be issued annually for the duration of the contract term with all ordering departments responsible for maintaining purchases within budget allocations.

6.10.3 Blanket orders may be coordinated and issued for all County departments as applicable. Purchasing Designates are required to determine if a blanket order is available for any goods or services they require prior to making a purchase.

7.0 Non-Competitive Purchases (Emergency, Sole Source, Single Source)

7.1 Emergency Purchases

7.1.1 The Purchasing Designate shall be authorized to make emergency purchases in excess of \$25,000 upon the approval of a Director. The Director shall advise the CAO by memo. The memo shall include the details of the emergency purchase and the source of funding. The CAO will determine whether a report to Council is required.

7.1.2 Emergencies include, without limitation:

- a) the welfare and protection of persons, property or the environment; or
- b) an imminent or actual danger to the life, health or safety of an official or an employee while acting on the County's behalf; or
- c) an imminent or actual danger of damage to or destruction of real or personal property belonging to the County; or
- d) an unexpected interruption of an essential public service; or
- e) an emergency as defined by the *Emergency Management and Civil Protection Act, R.S.O. 1990*, Chapter E.9 and the emergency plan formulated there under by the County; or
- f) a spill or pollutant as described by Part X of the *Environmental Protection Act, R.S.O. 1990*, Chapter E.19 and, 12.2.6 mandate of a non-compliance order.

7.2 Sole Source

7.2.1 The procurement may be conducted using a Sole Source process if the goods and/or services are available from only one supplier by reason of:

- a) statutory or market based monopoly;

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- b) competition is precluded due to the application of any Act or legislation or because of the existence of patent rights, copyrights, licence, technical secrets or controls of raw material; or
- c) the complete item, service, or system is unique to one supplier and no alternative or substitute exists.

7.2.2 Where a sole source procurement has received approval, subsequent purchases with the supplier for these goods and/or services can proceed subject to approved budget allocations.

7.3 Single Source

7.3.1 Single Source means that there is more than one source of supply in the open market, but only one source is recommended due to predetermined and approved specifications.

7.3.2 The procurement may be conducted using a Single Source process if the goods and/or services are available from more than one source, but there are valid and sufficient reasons for selecting one supplier in particular, being any of the following:

- a) An attempt to acquire the required goods and/or services by soliciting competitive bids has been made in good faith, but has failed to identify more than one willing and compliant supplier;
- b) The confidential nature of the requirement is such that it would not be in the public interest to solicit competitive bids;
- c) There is a need for compatibility with goods and/or services previously acquired or the required goods and/or services will be additional to similar goods and/or services being supplied under an existing contract (i.e. contract extension or renewal);
- d) The required goods and/or services are to be supplied by a particular supplier(s) having special knowledge, skills, expertise or experience;
- e) The goods are purchased under circumstances which are exceptionally advantageous to the County, such as in the case of a bankruptcy or receivership.

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8.0 Purchase by Negotiation

8.1 A Director or Purchasing Designate may purchase by negotiation when one or more of the following conditions apply:

- 8.1.1 When market conditions and in the judgement of the CAO and the Director, the supplies are in short supply.
- 8.1.2 When two or more bids deemed identical have been received, the Director or Purchasing Designate may negotiate with the two lowest bidders, keeping all negotiations fair and ethical.
- 8.1.3 When the lowest bid meeting specifications exceeds the estimated costs and it is not viable or in the best interest of the County to reissue the competitive bid process.
- 8.1.4 Single or sole source purchase. Non-competitive procurements that are subject to the trade agreements shall be reported including a brief description of the project, the successful bidder's name, the approved award amount, the date of award and the circumstances for the use of limited tendering.

9.0 Formal Bid Submissions

9.1 General

9.1.1 The Bidding System shall be used for formal procurements. Submissions will be electronically sealed by the Bidding System until the closing date and time.

9.1.2 Registration with the Bidding System is required in order to download documents and bid on a project.

9.1.3 The following conditions apply to all formal bid submissions:

- a) Bids must be submitted and received in the manner as specified within the procurement document.
- b) Attempts to submit a bid after the specified closing time will be directed to an 'expired' page. Only complete, on time submissions are accepted.
- c) A bidder may withdraw a submitted bid at any time up to the official closing time. Withdrawal must be made through the Bidding System with verified login of submitter or approved contact.

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d) A bidder who has already submitted a bid may submit a further bid at any time up to the official closing time. The last bid received will supersede and invalidate all bids previously received by that bidder.

e) The disclosure of information received in response to a procurement shall be treated in accordance with the *Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, as amended*. If a department receives a request for disclosure with respect to the procurement process or the executed contract, this request shall be referred to the County's Legislative Services Coordinator.

9.1.4 Bids will be rejected for any of the following reasons:

- a) Bid does not comply with the requirements at time of closing as specified in the bid document.
- b) Bids which are incomplete, conditional or obscure, or which contain additions not called for, erasures, alterations or irregularities of any kind.
- c) Bid does not meet specification requirements.

9.1.5 The County may, in its absolute sole discretion, reject a bid submitted if the bidder, or any officer or Director of the bidder is, intends to be or has been engaged, either directly or indirectly through another corporation or personally, in a legal action against the County, its elected or appointed officers and employees and it is expected that the litigation is likely to affect the bidder's ability to work with the County, its consultants and representatives, and whether the County's experience with the bidder indicates the County is likely to incur increased staff and legal costs in the administration of the contract if it is awarded to the bidder.

9.1.6 As formal procurements are awarded, they will be posted on the Bidding System and shall include a brief description of the project, project number, the successful bidder's name and the approved award amount (tender and quotations only).

9.1.7 Bid documents shall outline the bid dispute resolution process. Vendors involved in a procurement process with the County identifying a dispute, are required to state the nature of the dispute in writing, giving full details and history of the events leading to the dispute claim, addressed to the Purchasing Designate.

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9.1.8 Payments to any contractor, holdbacks and their release shall be in full compliance with the provisions of the *Construction Act R.S.O. 1990, c. C.30* and County procedures.

9.2 Advertising

9.2.1 All formal procurements estimated to **exceed \$100,000** shall be publicly posted on the Bidding System unless the procurement is completed by negotiation or a prequalification process has already been completed and is subject to prequalified vendors. Procurements less than \$100,000 may be publicly posted on the Bidding System as deemed appropriate by the Director or Purchasing Designate.

9.3 Bid Closing and Opening

9.3.1 The County receives bid submissions for formal procurements directly into the County's electronic bidding system. The submissions will be electronically sealed by the Bidding System until the closing date and time.

9.3.2 All formal procurements will be opened on the specified date and time identified within the document and bidding system.

9.4 Bid Deposit

9.4.1 A bid bond shall be required to accompany bid submissions for the following circumstances:

- a) All bids for municipal construction projects in excess of \$250,000.
- b) Special contracts or scope of work and project values less than \$250,000 as deemed appropriate by a Director.

9.4.2 The bid bond shall be set to a minimum of 5% of the estimated value of the work and the amount shall be identified within the procurement document.

9.4.3 All bid bonds are required in the form of a digital bond.

9.5 Bonding Requirements

9.5.1 Performance Bonds and Labour and Material Bonds are required for all construction projects exceeding \$250,000 for a minimum of 50% of the contract price for each bond. The cost for bonding is to be included in the bid submission price.

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9.5.2 Performance Bonds are required for all service contracts exceeding \$250,000 for a minimum of 50% of the contract price. The cost for bonding is to be included in the bid submission price.

9.5.3 For estimated expenditures less than \$250,000, the Director shall determine if bonding is required and identify the bonding requirements within the procurement document.

9.5.4 All bonds are required in the form of a digital bond.

9.6 Contracts

9.6.1 A draft agreement should be included with the procurement documents, where possible.

9.6.2 If an alternative procurement strategy has been used, a written agreement must be signed prior to the commencement of services.

9.6.3 Contract clauses including, but not limited to, confidentiality, limitation of liability, indemnification, insurance, default, cancellation and termination must form part of the agreement.

9.6.4 The term of the agreement and any options to extend must be set out in the procurement document.

9.6.5 A contract term shall generally not exceed five years, notwithstanding, contracts of greater than five (5) years and less than ten (ten) years, for services requiring significant capital costs during implementation or contracts for specialized services with significant administrative resources required to transition to a new service provider, such as recycling and waste collection services or information technology services etc. Contract terms greater than five (5) years must be approved by the Director and CAO prior to issuing the procurement document. The department shall prepare a memo to request authorization for a longer contract term detailing the rationale for the request. The CAO will determine whether a report to Council is required.

9.6.6 To manage disputes throughout the life of the contract, a dispute resolution process should be included in the contract, consistent with the requirements within the *Construction Act R.S.O. 1990* or *Arbitration Act, 1991*, as applicable.

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9.6.7 Each department shall be responsible for managing the contracts arising from a procurement process to ensure all deliverables are properly received, payments are appropriately made, all timelines are met, and any option years to the contract are appropriately exercised.

9.7 Vendor Evaluation

9.7.1 Vendor evaluations may be undertaken on any procurement including single or sole source purchases, emergency purchases.

9.7.2 Documented poor performance may be used to determine the eligibility of a vendor to continue to provide goods and/or services to the County on a current contract or to remain a qualified vendor to participate in future procurements.

10.0 Unsolicited Proposals

10.1 The County shall not ordinarily consider unsolicited proposals. However, if there is a legitimate need for the goods and/or services offered within the unsolicited proposal, then the County may commence a procurement process in accordance with this Policy.

10.2 Where a procurement is undertaken for the goods or services, the vendor who submitted the unsolicited proposal shall not be precluded from participating in the procurement process.

11.0 Insurance Requirements

11.1 The successful bidder, contractor or consultant shall, at its sole expense, obtain and keep in force, insurance satisfactory to the County and issued by an insurance company licensed to conduct business in the Province of Ontario.

11.2 The bid document and the resulting contract with the successful bidder shall clearly identify the County's insurance requirements and the liability limits.

11.3 The Director or Purchasing Designate will be responsible to obtain the necessary Insurance Documents and ensure they are filed with the County's Legislative Services Coordinator.

11.4 The insurance policies and coverages will be required as stated in the bid document and may include but are not limited to the following:

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11.4.1 Commercial General Liability insurance on an occurrence basis for third party bodily injury, personal injury and property damage. The policy should include the following clauses:

- a) the County of Oxford (and any other affiliated parties) as additional insured with respect to liability arising in the course of, or in connection with, work performed under the Contract;
- b) cross-liability and severability of interest clause;
- c) non-owned auto coverage (only applicable if consultants are using personal vehicles to perform duties under contract);
- d) contractual liability (both oral and written); and
- e) thirty (30) day written notice of cancellation, termination or material change.

11.4.2 Auto Liability

11.4.3 Professional Liability and Errors & Omissions (E&O) insurance – applicable when purchasing specialized services such as consulting and professional advice. The policy shall be renewed for three (3) years after project completion. In specific cases, the County may consider alternative insurance requests based on a risk management assessment by the Director of the particular department;

11.4.4 Environmental Impairment – depending on the nature of the work being performed (producing, processing, transporting, storing or otherwise handling potential contaminants), this coverage may be warranted and the form and amount of coverage shall be determined on a project by project basis by the Director;

11.4.5 Asbestos Abatement – when this issue is applicable, specific wording should be obtained from the County's insurance broker except in the case of emergency;

11.4.6 Builder's Risk – the form and amount of coverage shall be determined on a project by project basis by the Director but not any less than the anticipated cost of the project; and

11.4.7 Homeowners insurance - only applicable for rental of County facilities to individuals.

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- 11.5 Before commencement of a project, the successful bidder, contractor or consultant must furnish the County with a valid certificate of insurance (as well as renewal replacement certificates as may be necessary throughout the project) that references the project and confirms that the applicable requirements are in force for the entire contract period from commencement until twelve (12) months following substantial completion of the project. **The certificate of insurance shall be provided to the County in the manner prescribed in the Contract documents.**
- 11.6 The contractor shall provide proof that their liability policy contains no exclusions for Explosion, Collapse or Underground Hazards coverages, as applicable, where the contracted work requires:
- 11.6.1 the removal or weakening of support of any property, building or land whether such support be natural or otherwise;
 - 11.6.2 the use of explosives for blasting; or
 - 11.6.3 vibration from pile driving or caisson work.
- 11.7 **The County reserves the right to request such higher limits of insurance or other types of policies appropriate to the agreement as the County may reasonably require from time to time.**
- 11.8 **The bid document shall contain a reciprocal indemnification clause to ensure that neither party is liable for one another's negligence.**

12.0 WSIB Clearance Certificates

- 12.1 Clearance certificates from the Workplace Safety & Insurance Board (WSIB) must be obtained for all contractors before work begins to verify that they are registered with WSIB and have an account in good standing if applicable (some exemptions apply). Renewals shall be received when the duration of the work exceeds beyond the expiry date of the clearance certificate – see also County Policy 7.21 - Contractor Health & Safety Program. Independent operators shall provide a letter from WSIB confirming their status as an independent operator.

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13.0 Accessibility

- 13.1 In accordance with the *Accessibility for Ontarians with Disabilities Act, 2005*, S.O. 2005, c.11, the County shall have regard for the accessibility for persons with disabilities in respect to supplies and services purchased by the County.
- 13.2 In accordance with section 6 of Ontario Regulation 429/07, Accessible Standards for Customer Service, the contractor is responsible to ensure that all of its employees, volunteers and others which the contractor is responsible are adequately trained as per County Policy 9.03 - Accessibility Standards for Customer Service.
- 13.3 The following statements shall be included in all requests for proposals and tender documents:
 - 13.3.1 Prior to the commencement of any services provided in relation to this procurement, the proponent shall furnish evidence of compliance with the requirements of Section 6 of Ontario Regulation 429/07, Accessibility Standards for Customer Service, under the *Accessibility for Ontarians with Disabilities Act, 2005*.
 - 13.3.2 Pursuant to Section 6 of the Regulation, the proponent shall ensure that all of its employees, agents, volunteers, or others for whom it is at law responsible, receive training about the provision of the supplies and services contemplated herein to persons with disabilities. Such training shall be provided in accordance with Section 6 of the Regulation and shall include, without limitation, a review of the purpose of the Act and the requirements of the Regulation, as well as instruction regarding all matters set out in Section 6 of the Regulation.
 - 13.3.3 The vendor shall submit to the County upon request, as required from time to time, documentation describing its customer service training policies, practices and procedures, and a summary of the contents of training, together with a record of the dates on which training was provided and the individuals to whom training was provided.
 - 13.3.4 Under the Accessibility for Ontarians with Disabilities Act (AODA), the County is obligated to:

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“(5) Except where meeting the requirement is not practicable, this section applies, to websites and web content, including web-based applications, that an organization controls directly or through a contractual relationship that allows for modification of the product; and to web content published on a website after January 1, 2012.”

All digital documents and final deliverables provided to the County by the Vendor/Consultant/Proponent and subcontractors must be provided in accessible format which must meet WCAG 2.0 Level AA requirements in accordance with the AODA.

13.3.5 For further details, go to www.AccessON.ca.

14.0 County Credit Cards

14.1 Employees with a need for a County Credit Card, will be approved by their Director and the Treasurer. The Treasurer will determine the monthly spending limit for each employee based on their expected level of procurement.

14.2 A County credit card will be issued after the employee has read, signed and submitted the Credit Card Acknowledgement Agreement, which sets out in writing the employee’s responsibilities and restrictions regarding the use of the County credit card.

14.3 Any use of a County credit card shall be in accordance with this Policy and all other applicable County by-laws and policies.

14.4 A purchase order should not be completed if payment is made using a County credit card.

15.0 Disposal of Surplus Assets

15.1 In accordance with County Policy 6.04 Accounting Treatment for Capital Assets, the department responsible for the asset shall inform the Finance division of the asset affected and the date to be removed.

15.2 The method of disposal for surplus assets not required by the County include, but are limited to sale, trade-in, auction or scrap.

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16.0 Retention Policy

- 16.1 All documents for successful bidders shall be retained in accordance with the County of Oxford's Records Retention By-law 4957-2008 (Policy 6.18 Records Management).
- 16.2 All pertinent information, for reporting and auditing purposes should be retained. Some examples of records include approvals, procurement documents, addenda, award letters, notices, evaluation forms, agreements, and supplier performance.

17.0 Exclusions

- 17.1 The goods and/or services listed below are not subject to the competitive procurement requirements in this Policy, including, but not limited to:
- a) Registration, accommodation and tuition fees for conferences, conventions, courses and seminars
 - b) Travelling expenses
 - c) Magazines, books and periodicals
 - d) Membership fees, dues and subscriptions
 - e) Payroll deduction remittances
 - f) Insurance program
 - g) Insurance claims, legal settlements and grievance settlements
 - h) Medical exams
 - i) Licences (for example, vehicle, elevators, radios)
 - j) Ongoing maintenance and annual license fees to maintain functionality of existing computer hardware and software
 - k) Purchase of replacement parts where the original equipment manufacturer (OEM) is the sole provider of that equipment
 - l) financial services respecting the management of financial assets and liabilities (i.e. treasury operations), including ancillary advisory and information services, whether or not delivered by a financial institution or credit rating agency
 - m) Debt payments
 - n) Purchase of investments
 - o) Subsidies, grants and loan
 - p) Utility charges purchased directly from a utility provider (a competitive process must be used to purchase from an Energy Retailer)
 - q) Advertising services required in radio, television, newspaper or magazines

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- r) Professional services such as medical professionals, temporary staffing agencies, interpreter fees and transcription fees for POA, mediators and arbitrators. Legal and realty services are exempt from this Policy, subject to roster lists being in place for these services
- s) Acquisition, Lease or Sale/Disposal of Real Property or development of County supported and/or funded housing projects including affordable housing projects are not subject to this Policy. Existing County policies; Policy 6.15 Disposal of Land and Policy 9.07 Housing First Policy are in place to guide these processes
- t) Public/guest speakers, individuals or ensembles that offer creative content for presentation to others
- u) Government agencies, regulatory bodies, licensing agencies, public authorities and not-for-profit organizations accountable to the Ontario government and municipalities to which the County is required to remit to or pay a fee
- v) Providers of community services (as part of County-approved programs and projects), unless required by a senior level of government

18.0 Review of Procurement Policy and Procedures

- 18.1 This Policy shall be reviewed at least once every five (5) years.
- 18.2 The Senior Management Team and Corporate Services may randomly review departmental purchasing related files on an on-going basis to review the effectiveness and integrity of the processes and policy adherence.

19.0 References and Related Statements of Policy and Procedure

Employee Code of Conduct Policy No. 5.02
 Progressive Discipline Policy No. 5.09
 Employee Expense Policy No. 6.02
 Accounting Treatment for Capital Assets Policy No. 6.04
 Delegation of Powers and Duties Policy No. 6.14
 Disposal of Land Policy No. 6.15
 Records Management Policy 6.18 (Records Retention By-law 4957-2008)
 Contractor Health & Safety Program Policy No. 7.21
 Accessibility Standards for Customer Service Policy No. 9.03
 Housing First Policy No. 9.07
 Council Code of Conduct Policy No. 9.17

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20.0 References and Related Statements of Legislation

Accessibility for Ontarians with Disabilities Act, 2005, S.O. 2005, c.11

Arbitration Act, 1991

Construction Act R.S.O. 1990, c. C.30

Discriminatory Business Practices Act, R.S.O. 1990, c. D.12

Emergency Management and Civil Protection Act, R.S.O. 1990, Chapter E.9

Environmental Protection Act, R.S.O. 1990, Chapter E.19

Municipal Act, 2001, Part VI, Section 270

Municipal Conflict of Interest Act, R.S.O. 1990, c M.50

Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990