

# **THE CORPORATION OF THE CITY OF NIAGARA FALLS**

## **By-Law No. 2021-04**

A by-law to define the procurement policies and procedures for the Corporation of the City of Niagara Falls

**WHEREAS** Section 270(1) of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, requires a municipality to adopt policies with respect to its Procurement of goods and services;

**AND WHEREAS** the Council of the Corporation of the City of Niagara Falls has deemed it desirable to set out its policies with the respect to the Purchase of Goods and/or Services, and the disposal of Surplus Assets, in this By-law;

**AND WHEREAS** the Council of the Corporation has directed that as much of its Procurement as possible be done electronically.

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF NIAGARA FALLS ENACTS AS FOLLOWS:**

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

The purposes, goals and objectives of this By-law and of each of the methods of Procurement authorized herein are:

- (a) to encourage competitive bidding;
- (b) to ensure objectivity and integrity in the Purchasing process;
- (c) to ensure fairness between bidders;
- (d) to maximize efficiencies in the Procurement Process, including through electronic Procurement means;
- (e) to authorize a variety of Procurement methods, and to use the most appropriate method depending on the particular circumstances of the Procurement;
- (f) to the extent possible, to ensure openness, accountability and transparency in Procurements while protecting the best interests of the Corporation and the taxpayers of the City of Niagara Falls;
- (g) to obtain the Best Value for the Corporation when Purchasing Goods and/or Services;
- (h) to avoid real and perceived conflicts between the interests of the Corporation and those of the Corporation's employees and elected officials

and to ensure compliance with the Municipal Conflict of Interest Act, R.S.O. 1990, c.M.50, as amended and the Corporation's Code of Conduct;

- (i) to encourage the Purchase of Goods and/or Services with due regard to the preservation of the natural environment;
- (j) to promote, and incorporate wherever possible in Procurement activities of the Corporation, the requirements of the Accessibility for Ontarians with Disabilities Act, 2005, S.O. 2005, c. 11, as amended;
- (k) to adhere to the code of ethics of the National Institute of Government Procurement and the Ontario Public Buyers Association; and
- (l) to maintain timely and relevant policies and procedures.

## 2. DEFINITIONS

In this By-law,

**“Award”** means authorization to proceed with Purchasing Goods and/or Services from the chosen Supplier or to proceed with the Disposal, by way of sale of Surplus Assets, to a chosen buyer;

**“Best Value”** means, in relation to a purchase, that the purchase represents the optimal balance of high quality and financial terms;

**“Bid”** means an offer or submission from a Supplier in response to a Bid Solicitation that is subject to acceptance or rejection or (if a right of negotiation is reserved by the Corporation or is implied in the wording of a Bid Solicitation) negotiation by the Corporation, or consideration by the Corporation (as in the case of the pre-qualification process in a RFPQ or RFEOI) or, in the case of a Disposal of Surplus Assets, an offer or submission from a buyer in response to a Bid Solicitation that is subject to acceptance or rejection by the Corporation;

**“Bid Approval Report”** means a report or other document that authorizes the purchase of Goods and/or Services the Disposal of Surplus Assets by way of sale and is executed by the Purchasing Authorities as set out in Schedule “B”;

**“Bid Security”** means the form of security required by the terms and conditions of Bid Solicitations to guarantee that the successful Supplier enters into a Contract with the Corporation, as required by Section 26 of this By-law;

**“Bid Irregularity”** means a potential or actual non-compliance with a Bid Solicitation that may lead to the disqualification of a Bid, or that may require corrective action to take place in order to make a Bid compliant.

**“Bid Solicitation”** means a request for Bids, which shall whenever possible use electronic means, including an Informal Request for Quotation, Request for Quotation, Request for Tender, Request for Proposal or Negotiated Request for Proposal;

**“Bidding System”** means the Corporation’s online web-based solution for issuing Bid Solicitations and/or receiving online Bid submissions and posting Bid results;

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

**“CETA”** means the Comprehensive Economic and Trade Agreement signed October 30, 2016, as amended, between Canada and the European Union and its member states;

**“CFTA”** means the Canadian Free Trade Agreement in force July 1, 2017, as amended;

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

**“City”** means The Corporation of the City of Niagara Falls;

**“City Solicitor”** means City Solicitor of the Corporation, his or her Designate or any successor position thereto;

**“Clerk”** means the Clerk of the Corporation or his or her Designate or any successor position thereto;

**“Compliant Bid”** means a Bid that meets the terms and conditions of the Bid Solicitation and this By-law;

**“Conflict of Interest”** means:

- (i) a situation or circumstance, real or perceived, that could give a Supplier or potential Supplier an unfair advantage in a Procurement or compromise the ability of the Supplier or potential Supplier to perform its obligations under a Contract; and/or
- (ii) a situation where a person, business or other interest of an elected or appointed official, officer or employee of the Corporation is, or can be reasonably be perceived to be, in conflict with the interests of the Corporation, and includes, but is not limited to:
  - (1) the giving or receiving of a direct or indirect personal gain or benefit, or a direct or indirect advantage or privilege, by any person or business that offers Goods and/or Services (incl. Construction) to the Corporation;

- (2) a direct or indirect interest in any business that provides Goods and/or Services (incl. Construction) to the Corporation;
- (3) a conflict of interest as defined in the Municipal Conflict of Interest Act (R.S.O. 1990, Chapter M.50), as amended; or
- (4) a conflict of interest as defined in the Corporation's Conflict of Interest Policy #400.35, as amended;

**“Construction”** means a construction, reconstruction, demolition, repair or renovation of a building, structure or other engineering or architectural work and includes site preparation, excavation, drilling, soil or seismic investigation, geotechnical survey, the supply of products and materials and the supply of equipment and machinery incidental to the construction, and the installation and repair of fixtures of a building, structure or other engineering or architectural work. For the purposes of this By-law and procedures construction falls under the title of a Goods and/or Services;

**“Contract”** means a binding agreement, arising in the context of a Procurement, between the City and one or more parties that creates an obligation to provide or sell goods or perform Services;

**“Corporation”** means The Corporation of the City of Niagara Falls;

**“Council”** means The Council of The Corporation of the City of Niagara Falls;

**“Debriefing”** means to provide information related to the Bid Solicitation to inform bidder(s) that were not selected during a particular procurement process;

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

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

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

**“Director”** means the Director of the Department making the Purchase, his or her Designate or any successor position thereto;

**“Disability” or “Disabilities”** shall have the same meaning as set out in the Accessibility for Ontarians with Disabilities Act, 2005, S.O. 2005, c. 11, as amended or any successor legislation thereto;

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

**“Fair Market Value”** means the price that would be agreed to in an open and unrestricted market between knowledgeable and willing parties dealing at arm’s length who are fully informed and not under any compulsion to transact;

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

**“Goods”** means, in relation to Procurement, moveable property (including the costs of installing, operating, maintaining or manufacturing such moveable property), including raw materials, products, equipment and other physical objects of every kind and description whether in solid, liquid, gaseous or electronic form, unless they are procured as part of a general construction contract. Exemptions of Goods as per Schedule “A” Exceptions for Formal Purchasing Process;

**“Informal Request for Quotation”** means a Request for Quotation where the Goods or Services being procured are of Small Value and the Procurement is permitted by applicable Corporation policies and Section 13 of this By-law;

**“Large Value”** means over \$100,000, including HST, or such other amount as Council may determine, from time to time, to be the lower limit of a large value amount;

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

**“Low Value”** means less than \$2,500, including HST, or such other amounts as Council may determine to be the limits of a low value amount;

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

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

**“Mid Value”** means between \$25,000 and \$100,000, including HST, or such other amounts as Council may determine as constituting the limits of a mid-value amount;

**“Negotiated Request for Proposal” or “NRFP”** means a non-binding flexible format public Request for Proposal by the Corporation made in accordance with Section 16 of this By-Law, seeking proposals to supply Goods and/or Services which may or may not result in an Award by the Corporation;

**“Negotiation”** means a Method of Purchasing in which the Corporation may negotiate directly with one or more Suppliers with the intent to award a Contract or extend an existing Contract;

**“Procurement”** means the entire process for the assessment of the Corporation’s needs for Goods and/or Services, the means by which those needs may be satisfied, the examination of the marketplace for Goods and/or Services, the authorization for Purchasing Goods and/or Services, the selection of the method for Purchasing Goods and/or Services, the issuance of a procurement document (which may include a Purchase Order, RFEOI, RFPQ, RFP, NRFP, RFT or other document consistent with this By-Law), the selection of a Supplier and the completion of the Purchasing;

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

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

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

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

**“Purchase Order”** means an electronic confirmation of the Purchase of Goods and/or Services at a specific cost and includes the standard terms and conditions for purchase orders;

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

**“Purchasing”** and its derivatives and correlatives means the process of obtaining Goods and/or Services as part of the process of Procurement;

**“Purchasing Card”** means a card issued to approved City staff to make purchases within their authority level following the Purchasing Card Policy and the Purchasing and Execution Authority of this By-law;

**“Purchasing Procedure”** refers to policies and procedures adopted from time to time by the Manager of Procurement for the purpose of enabling the provisions of this By-law.

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

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

**“Request for Pre-Qualification” or “RFPQ”** means a public request by the Corporation seeking submissions outlining the experience, financial strength, education, background and significant personnel of potential Suppliers who may, from time to time, qualify to supply Goods and/or Services to the Corporation. An RFPQ is not a Bid Solicitation, and receipt of a response to an RFPQ by the Corporation does not create any legal obligation between the potential Supplier and the Corporation, but may be a precondition to qualifying for subsequent Bid Solicitations issued by the Corporation;

**“Request for Proposal / Negotiated Request for Proposal” or “RFP / NRFP”** means a public request for proposals by the Corporation made in accordance with Section 16 of this By-law, seeking proposals to supply Goods and/or Services, which may or may not result in an Award by the Corporation. Accordingly, receipt of a response to an RFP by the Corporation may not create any legal obligation between the potential Supplier and the Corporation. An RFP is to be distinguished from an NRFP, which never creates any legal obligation between a potential Supplier and the Corporation;

**“Request for Quotation” or “RFQ”** means a request for Quotations by the Corporation for the provision of Goods and/or Services made in accordance with Section 14 of this By-law. An RFQ is a Bid Solicitation, but receipt of a response to an RFQ by the Corporation does not create any legal obligation between the potential Supplier and the Corporation unless and until the

Corporation accepts the Quotation by placing a Purchase Order with the potential Supplier;

**“Request for Tender” or “RFT”** means a public request for Bids by the Corporation made in accordance with Section 15 of this By-law. An RFT is a Bid Solicitation;

**“Roster”** means a list of Suppliers that have participated in and successfully met the requirements of a Request for Pre-Qualification (RFPQ), and have been pre-qualified to perform work assignments involving the delivery of a particular type of Goods and/or Services;

**“Services”** means services in which the physical component of an activity would predominate but which may result in deliverables in the form of reports, drawings, designs, training materials, software modifications or similar physical components. Services do not include Professional Services and exemptions as per Schedule “A” Exceptions for Formal Purchasing Process;

**“Single Source”** means the use of a non-competitive Procurement process to acquire Goods and/or Services from a specific Supplier even though there may be more than one Supplier capable of delivery of the same Goods and/or Services;

**“Small Value”** means between \$2,500 and \$25,000, including taxes, or such other amounts as Council may determine as constituting the limits of a minor amount.

**“Sole Source”** means the use of a non-competitive Procurement process to acquire goods or services from a specific supplier because there are no other suppliers available or able to provide the required Goods and/or Services;

**“Special Circumstance”** means:

- (i) an event that is exceptional or could not be foreseen and is likely to pose a threat to the health, safety or welfare of the public;
- (ii) an event that, unless immediately addressed, is likely to cause significant loss or damage to property;
- (iii) an event that has disrupted any essential service that needs to be re-established without delay; or
- (iv) an emergency as defined in the Emergency Management Act, (or the Emergency Management and Civil Protection Act, when so renamed) R.S.O. 1990, c. E.9, as amended, or any successor legislation thereto;



- (v) an event or circumstance where the City's municipal emergency control group, established under the Act, has been activated;

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

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

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

**“Surplus Assets”** means Goods, equipment and other assets that are obsolete, damaged or surplus to that Department's needs; and

**“Trade Agreements”** means any agreements with respect to access to government procurement opportunities as may be applicable to the Corporation, e.g., CFTA and CETA.

### 3. APPLICATION

- (a) The policies and procedures outlined in this By-law, including all the purposes, goals and objectives of Section 1 hereof, and including the use of electronic means, shall be followed for the Procurement of all Goods and/or Services by the Corporation or its officers, servants and employees.
- (b) No procurement or purchase shall be arranged or made to avoid the application of this bylaw. Without limiting the generality of the foregoing, no procurement of Goods and/or Services shall be divided into two or more parts for the purpose or intent of, or with the effect of, avoiding or frustrating the application of this bylaw.
- (c) All Procurements shall be subject to the Purchasing Procedures as they exist from time to time.
- (d) The Method of Purchasing set out in Sections 10 to 21, and the reporting procedures set out in Section 23, shall not apply to the Purchase and Disposal of those Goods and/or Services outlined in Schedule “A”.
- (e) This provision provides authority for the Purchase of Goods and/or Services outlined in Schedule “A”, pending Budget availability.
- (f) Any Contracts necessary to complete the Purchase of Goods and/or Services outlined in Schedule “A” on a Single Source basis shall be executed by the appropriate Document Execution Authority for Single Source as set out in Schedule “B”, up to the prescribed limits, provided that:

- (i) the Contract has been prepared in a form satisfactory to the City Solicitor;
- (ii) any financial securities and insurance required under the Contract are satisfactory to the City Solicitor; and
- (iii) funding is available in the Budget.

#### **4. RESPONSIBILITIES AND AUTHORITIES**

- (a) The Director of Finance shall have all the necessary authority to administer this By-law and to carry out his or her duties on behalf of the Corporation.
- (b) The Procurement Division is responsible for and shall have the authority to:
  - (i) acquire or dispose of Goods and/or Services;
  - (ii) call, receive, open and review Bids and proposals;
  - (iii) establish administrative procedures and policies for the implementation of this By-law;
  - (iv) establish, through consultation with the City Solicitor, standards for Bid Solicitations, Purchase Orders, Contracts and other documents;
  - (v) establish, through consultation with the user Department and City Solicitor, the terms and conditions of Bid Solicitations;
  - (vi) provide guidelines on Procurement policies and procedures and the structure, format and general content of Bid Solicitations;
  - (vii) review proposed Bid Solicitations to ensure clarity, reasonableness and quality and advise staff of suggested improvements;
  - (viii) establish, through consultation with the Director of Finance, policies and procedures to support the Corporation's Purchasing Card Policy, as amended.
  - (ix) act on behalf of the Corporation, and from time to time, other boards and agencies, for the purposes of the Purchase or Disposal of Goods and/or Services;
  - (x) ensure open, fair and impartial Procurement processes for Goods and/or Services;
  - (xi) ensure compliance with this By-law and advise the Director of Finance when there has been non-compliance. The Director of Finance shall take appropriate action to address and correct any non-compliance;

- (xii) develop co-operative Purchasing plans with other units of government or their agencies or public authorities, where deemed beneficial to the Corporation;
  - (xiii) promote the standardization of Goods and/or Services, where such standardization demonstrably supports the purposes, goals and objectives of this By-law; and
  - (xiv) ensure that where applicable, Procurements are compliant with applicable Trade Agreements.
- (c) The Manager of Procurement, with the written approval of the Director of Finance, may delegate to an employee or employees all or part of the authority in Subsection 4(b) above, which authority may be limited to a particular type of Goods and/or Services.
- (d) The CAO or Director of Finance shall appoint in writing as per the Delegation By-law as amended, Department Representatives who shall be responsible for the Procurement of Goods and/or Services and subject to oversight, up to the value of their prescribed authority, in accordance with Section 4 (e);
- (e) Department Representatives will also have the following specific responsibilities:
- (i) ensure budget availability, prior to soliciting Good and/or Services, in accordance with Council approved Budgets.
  - (ii) ensuring that all Contract terms and conditions comply with the Bid Solicitation;
  - (iii) preparing and approving all specifications and terms of reference in consultation with the Procurement Division;
  - (iv) managing Contracts to ensure Goods and/or Services are received by the Corporation and comply with Contract terms and conditions;
  - (v) monitoring all Contract expenditures and ensuring that all financial limitations have been complied with and that all accounts are paid within the times set out in the Contract or as required by applicable laws;
  - (vi) monitoring the performance of Suppliers;
  - (vii) standardizing the use of Goods and/or Services, where such standardization demonstrably supports the purposes, goals and objectives of this By-law;

- (viii) ensuring that all Goods and/or Services purchased have been received and recording receipt in the form prescribed by the Procurement Division; and
- (ix) ensuring that all Surplus Assets have been disposed of in accordance with this By-law and that the consideration therefor, if any, has been received and recorded by the Corporation.

## **5. REQUIREMENT FOR APPROVED FUNDS**

- (a) Except as provided in Section 17 hereof, the exercise of authority to award a Contract is subject to the identification and availability of sufficient funds in appropriate accounts within the Budget.
- (b) Where Goods and/or Services are routinely purchased or leased on a multi-year basis, the exercise of authority to award a Contract is subject to the following:
  - (i) the identification and availability of sufficient funds in appropriate accounts for the current year within the Budget;
  - (ii) the Goods and/or Services will continue to be required in subsequent years and, in the opinion of the Director of Finance, the required funding can reasonably be expected to be made available; and
  - (iii) the Contract includes a provision that the supply of Goods and/or Services in subsequent years is subject to the approval by Council of the Budget estimates to meet the proposed expenditures.
- (c) The Manager of Procurement may enter into contractual arrangements on behalf of the Corporation to permit acquisition of Goods and/or Services based on a per-unit costing basis, without a specific Budget and without obligation on the part of the Corporation to purchase specific Goods and/or Services until further authorized in accordance with this By-law. This only applies to Goods and/or Services that are widely used by the Corporation and the funding is reasonably expected to be available within Department Budgets.

## **6. TRADE AGREEMENTS**

- (a) Purchasing by the Corporation may be subject to the provisions of Trade Agreements.
- (b) Where an applicable Trade Agreement is in conflict with this By-law, the Trade Agreement shall take precedence to the extent only of the conflict.
- (c) The Procurement Division shall advise the appropriate Director when a Purchase may not conform to an applicable Trade Agreement as early as possible in the Bid Solicitation process.

## 7. ADVERTISING OF BID SOLICITATIONS

- (a) Purchases covered by the various monetary thresholds of applicable Trade Agreements for Goods and/or Services shall, as a minimum:
  - (i) be advertised on the Bidding System authorized by the Procurement Division for Bid Solicitations for at least the minimum number of days preceding the stated Procurement closing date as are required by the applicable Trade Agreements, subject to reduction, where permitted by applicable Trade Agreements, where an RFPQ has been previously issued in advance in accordance with this By-law; AND
  - (ii) the Bid Solicitations shall be published on any designated electronic Canada-wide single point of access as directed by the Government of Canada.
- (b) The Manager of Procurement may publish Bid Solicitations for lesser amounts if he or she determines that it is in the Corporation's best interest to do so.
- (c) No additional advertising is required for Purchases where bidders have been previously pre-qualified in accordance with this By-law.
- (d) Advertising is not required for Professional Services that may be provided only by Ontario licensed professionals.

## 8. PURCHASING DOCUMENTATION

- (a) The use of standard electronic Procurement documents shall be approved by the Manager of Procurement and the City Solicitor.
- (b) A Bid Solicitation may specify a specific product or brand name to ensure consistency, to minimize risk to the Corporation, or for other valid purposes.
- (c) All changes to standard Procurement documents and forms of Contracts shall be reviewed and approved by the City Solicitor.
- (d) Before issuance, all Bid Solicitations shall be reviewed by the Procurement Division.

## 9. METHOD OF PURCHASING

- (a) Any person Purchasing or Disposing of Goods and/or Services, except Excluded Purchases, on behalf of the Corporation shall do so using one of the methods of Purchasing set out in Sections 10 to 21 ("**Method of Purchasing**"). The Method of Purchasing may be utilized individually or in combination with one another, as may be appropriate in the circumstances.

- (b) A Procurement using any Method of Purchasing, except for the Exceptions to the Formal Purchasing Process and Purchases of Low Value, shall be conducted through or reviewed by the Procurement Division.

## **10. REQUEST FOR PRE-QUALIFICATION**

- (a) Where appropriate, the Procurement Division may conduct a Request for Pre-Qualification (RFPQ) to develop a list of Suppliers that may be eligible to submit a Bid on subsequent Bid Solicitations or to develop a Roster in accordance with Section 20.
- (b) Pre-qualification under a RFPQ may be considered in the following circumstances:
  - (i) the work will require substantial project management by the Corporation and could result in substantial cost to the Corporation if the Supplier is not appropriately experienced;
  - (ii) the Goods and/or Services to be purchased must meet national safety standards;
  - (iii) the work involves complex, multi-disciplinary activities, specialized expertise, equipment, materials or financial requirements;
  - (iv) the work will consist of miscellaneous repairs and services as required by the Corporation such as plumbers, electricians, and drywall contractors;
  - (v) there could be substantial impact on the Corporation's operations if the Purchased work is not satisfactorily performed in a timely manner; or
  - (vi) any other circumstances deemed appropriate by the Manager of Procurement.
- (c) Supplier submissions will be evaluated and ranked and a short list of pre-qualified Suppliers will be invited to participate in the second step of the two-step Procurement process, being a Request for Proposal or a Request for Tender, or, if applicable, be placed on a Roster.
- (d) An RFPQ is not a legal offer but only an invitation for Suppliers to make offers, or to have an opportunity to make offers, to the Corporation.
- (e) All RFPQs shall be conducted in accordance with submission instructions in the particular Bid Solicitation and, as applicable, Section 7 of this By-law.

## **11. REQUEST FOR EXPRESSIONS OF INTEREST**

Where appropriate, the Procurement Division may conduct a Request for Expression of Interest (RFEOI) for the purpose of determining the availability of

Suppliers and for the purpose of compiling a list of potential Suppliers that may be used as a specific pre-condition of any Method of Purchasing. The receipt by the Corporation of a potential Supplier's expression of interest does not create any obligation between the potential Supplier and the Corporation.

## **12. LOW VALUE PURCHASES**

Department Representatives are authorized to purchase Low Value Goods and/or Services in accordance with the Purchasing Procedures. Only purchases that can be demonstrated to be made at Fair Market Value shall be made. Department Representatives may procure Low Value Goods and/or Services through the following means:

- (a) Purchasing Card used in accordance with the Corporation's Purchasing Card Policy, as amended by the Director of Finance, or, in limited situations, direct invoicing from the Supplier approved by the Department Representative with authority to approve the purchase; or
- (b) Purchase Order if the Supplier will not accept either option in (a) above.

## **13. INFORMAL REQUEST FOR QUOTATION – SMALL VALUE PURCHASES**

Department Representatives are authorized to purchase Small Value Goods and/or Services through an Informal Request for Quotation in accordance with the Purchasing Procedures.

- (a) If possible, at least three (3) Quotations shall be solicited based on identical specifications. Quotations received shall be evaluated on the basis of price and the criteria outlined in the Informal Request for Quotation to determine the preferred Supplier.
- (b) The Purchase Requisition shall be prepared by the Department Representative, for signature and approval in accordance with the Purchasing Authorities set out in Schedule "B".
- (c) The Procurement Division shall issue a Purchase Order when it has received all necessary approvals and the Department Representative, after due consideration, is satisfied the process and resulting documents comply with the requirements of Subsection 13(a) of this By-law and are consistent with the spirit of this By-law as set forth in Section 1 of this By-law.

## **14. REQUEST FOR QUOTATION – MID VALUE PURCHASES**

A Request for Quotation shall be used for Mid Value Purchases in accordance with the Purchasing Procedures. Quotations received shall be evaluated on the basis of price and the criteria set out in the RFQ to determine the preferred Supplier. The results of the RFQ will be reported in accordance with Section 23.

## **15. REQUEST FOR TENDER – LARGE VALUE PURCHASES**

- (a) A Request for Tender shall be used for Large Value Purchases if these conditions apply:
  - (i) two (2) or more sources are considered capable of supplying the Goods and/or Services;
  - (ii) the Goods and/or Services are adequately defined to permit the evaluation of Bids against clearly defined criteria; and
  - (iii) it is intended that the Lowest Compliant Bid will be accepted.
- (b) All RFTs shall be advertised in accordance with Section 7 except where a list of potential Suppliers has been compiled through an RFPQ. Only those prequalified Suppliers shall be notified and only Bids from those prequalified Suppliers shall be accepted.
- (c) Where an Award is recommended, a Bid Approval Report will be prepared by the Department Representative, for signature and approval in accordance with the Purchasing Authorities set out in Schedule “B” and all Contracts shall be executed in accordance with the Document Execution Authorities set out in Schedule “B”.
- (d) The Bid results will be reported in accordance with Section 23.

## **16. REQUEST FOR PROPOSAL or NEGOTIATED REQUEST FOR PROPOSAL**

- (a) For Procurements that have a value in excess of Small Value, a Request for Proposal or Negotiated Request for Proposal shall be issued in the case where the Method of Purchasing meets one or more of the following criteria:
  - (i) the Purchase is required as a result of a particular problem, requirement or objective;
  - (ii) the selection of the Supplier depends more upon the effectiveness of the proposed solution, rather than the price alone;
  - (iii) the precise Goods and/or Services, or the specifications therefor, are not known or are not definable and it is expected that Suppliers will further define them.
- (b) All RFPs and NRFPs will be evaluated based on the evaluation criteria outlined in the Bid Solicitation by an evaluation team. The team shall be comprised of members of the requesting Department who will perform the evaluations of submissions received. The Procurement Division will be the moderator of the evaluation process.
- (c) RFPs and NRFPs shall be conducted by Procurement Division in accordance with Section 21.



- (d) RFPs and NRFPs shall be advertised in accordance with Section 7, except where a list of pre-qualified Suppliers has been compiled through an RFPQ. Only those pre-qualified Suppliers shall be notified and only Bids from those pre-qualified Suppliers shall be accepted.
- (e) Where an Award is recommended, a Bid Approval Report will be prepared by the Department Representative, for signature and approval in accordance with the Purchasing Authorities set out in Schedule "B" and Purchase Orders or Contracts shall be executed in accordance with the Document Execution Authorities set out in Schedule "B".
- (f) The Bid results will be reported in accordance with Section 23.

## **17. SPECIAL CIRCUMSTANCE PURCHASES**

- (a) Purchases that are required to respond to a Special Circumstance shall be authorized in accordance with Schedule "B". All such purchases must be reported to the Procurement Division on the following business day.
- (b) Contracts required to effect Special Circumstance purchases shall be executed in accordance with the Document Execution Authorities set out in Schedule "B".
- (c) When a Special Circumstance occurs and compliance with subsection 5(a) of this By-Law is not reasonably achievable prior to the acquisition of required Goods and/or Services, a Contract may, notwithstanding subsection 5(a), be awarded, provided that:
  - (i) The CAO, in addition to all other required Document Execution Authorities otherwise required by this By-law, has consented to the Award;
  - (ii) The CAO, as soon as possible in the circumstances, shall identify and approve or seek approval of the funds required to pay for the Purchase relating to the Special Circumstance.

## **18. SINGLE & SOLE SOURCE PURCHASES**

- (a) A competitive procurement process is not required for Single or Sole Source Purchases, provided that one of the following conditions applies:
  - (i) the compatibility of a Purchase with existing equipment, product standards, facilities or service is a paramount consideration;
  - (ii) a Good and/or Service is Purchased for testing or trial use;
  - (iii) there is an absence of competition for technical reasons and the Goods and/or Services can only be supplied by a particular Supplier;

- (iv) an unforeseeable situation of urgency exists and the Goods and/or Services cannot be obtained in time by an open purchasing process;
  - (v) the Corporation has a rental contract with a purchase option and the exercise of such purchase option is beneficial to the Corporation;
  - (vi) for matters involving security, police matters or confidential issues, in which case a Purchase may be made in a manner that protects the confidentiality of the Supplier or the Corporation;
  - (vii) for work to be performed on or about a leased building or portions thereof that may be performed only by the lessor;
  - (viii) for the purchase of real property;
  - (ix) for work to be performed on property by a Contractor according to provisions of a warranty or guarantee held in respect to the property or original work;
  - (x) for the purchase of Goods under exceptionally advantageous circumstances such as bankruptcy or receivership, but not for routine purchases;
  - (xi) to ensure compatibility with existing products and services. Compatibility with existing products or services may not be allowable if the reason for compatibility is the result of one or more previous non- competitive Procurements;
  - (xii) to recognize exclusive rights, such as exclusive licenses, copyright and patent rights, or to maintain specialized products that must be maintained by the manufacturer or its representatives;
  - (xiii) for the Procurement of Goods and Services the supply of which is controlled by a supplier that has a statutory monopoly;
  - (xiv) there are no Compliant Bids in response to a Bid Solicitation; or
  - (xv) a Roster for Professional Services has been developed in accordance with Section 20 of this By-law and the Services to be purchased are from a person named in the Roster.
- (b) The Bid Approval Report shall be prepared in accordance with Section 23(a).
- (c) All Purchases shall be authorized in accordance with the Purchasing Authorities set out in Schedule "B" and all Contracts shall be executed in accordance with the Document Execution Authorities set out in Schedule "B".

- (d) Where required by applicable Trade Agreements, Single or Sole Source Purchases shall be published on the Bidding System.

## **19. NEGOTIATION**

- (a) Notwithstanding that some discussion and Negotiation with potential Suppliers may be a component of any Purchasing process, Negotiation may be used for Purchases of Goods and/or Services when any one or more of the following criteria apply:
  - (i) the required Goods and/or Services are in short supply;
  - (ii) competition is precluded due to the existence of any patent right, copyright, technical secret or control of raw material;
  - (iii) a Single or Sole Source is being recommended;
  - (iv) two (2) or more identical Bids are received;
  - (v) the Lowest Compliant Bid received meets all specifications but exceeds the Budget amount for the Procurement;
  - (vi) the extension of an existing Contract would be more effective;
  - (vii) only one (1) Bid is received in response to a Bid Solicitation;
  - (viii) a Roster for Professional Services has been developed in accordance with Section 20 of this By-law and the Services to be purchased are from a person named in the Roster; or
  - (ix) there is authorization to do so by the Purchasing Authorities set out in Schedule "B".
- (b) The Bid Approval Report shall be prepared in accordance with Section 23(a).
- (c) All Purchases shall be authorized in accordance with the Purchasing Authorities set out in Schedule "B" and all Contracts shall be executed in accordance with the Document Execution Authorities set out in Schedule "B".

## **20. ROSTER FOR PROFESSIONAL OR SPECIALIZED SERVICES**

- (a) An RFPQ or an RFEOI may be conducted for the purpose of developing Rosters of qualified Suppliers of Professional Services or Specialized Services for projects requiring similar and particular expertise. While the use of a Roster is strictly optional, the associated RFPQ or RFEOI shall be conducted in accordance with the provisions of this By-law.
- (b) All RFPQs and RFEOIs shall be advertised in accordance with Section 7.

- (c) An evaluation team shall analyze and evaluate the responses received using the criteria outlined in the RFPQ or RFEOI to select a number of qualified Suppliers of Professional Services or Specialized Services to be placed on Roster.
- (d) On subsequent projects, Suppliers of Professional Services or Specialized Services may be selected from the Roster to submit detailed proposals in response to a Bid Solicitation, in accordance with Sections 12 through 16 of this By-law and the Consultant Selection Policy, as amended. The requesting Department shall invite Suppliers on the Roster to provide Services, using best efforts to equally distribute opportunities amongst the Suppliers on the Roster. In the event that the Roster includes only one (1) Supplier, the City shall reserve the right to invite other Suppliers to submit Bids.
- (e) Alternatively, a Supplier may be selected from a Roster to submit a Bid for Professional Services or Specialized Services in accordance with Section 18 or 19 of this By-law.
- (f) Rosters shall be compliant with Trade Agreements and shall only be valid to a maximum of three (3) years from the date of formation.

## **21. FORMAL BID PROCESS**

- (a) All Bids (with the exception of submissions in response to Informal Requests for Quotations of Small Value) shall be received by the Procurement Division, in accordance with the instructions in the Bid Solicitation, and opened at the time stated in the Bid Solicitation.
- (b) The Suppliers' names and the Bid amounts shall be posted on the Bidding System website.
- (c) Bid Irregularities shall be administered in accordance with section 27 Bid Irregularities.

## **22. CO-OPERATIVE PROCUREMENT**

The Manager of Procurement may enter into arrangements with any government body, ministry, agency, board, corporation or authority on a co-operative or joint basis for Purchases of Goods and/or Services where there are economic advantages in so doing and such Purchases comply with this By-law or the Purchasing Process and Procedures of the originating agency. Cooperative Procurement for reporting purposes shall be considered a Request for Proposal or a Request for Tender based on the process undertaken by the originating agency.

### **23. REPORTING PROCEDURES**

- (a) The Procurement Division shall report all Awards in excess of Small Value to the public via the Bidding System website for RFQs, RFTs, RFPs and NRFPs.
- (b) Award notifications for formal Bids including RFQs and RFTs will be the awarded bidder's name and the Bid amount.
- (c) Award notification for formal Bids including RFPs and NRFPs will be the awarded bidder's name.

### **24. PRESCRIBED COUNCIL APPROVAL**

Notwithstanding any other provision of this By-Law or "The Approved Project By-Law" No. 2018-02 as amended; the following Awards require Council approval:

- (a) the recommended Award exceeds the Large Value threshold and exceeds the amount already approved for the Award in the Budget of the Corporation;
- (b) the authority to Award has not been expressly delegated to City Staff;
- (c) the recommended Award is not the Lowest Compliant Bid in the case of an RFT or highest scoring proponent in the case of an RFP; or
- (d) the recommendation is Single or Sole Source or Negotiation over \$100,000.

### **25. DOCUMENT EXECUTION AUTHORITY**

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

### **26. FINANCIAL SECURITIES AND INSURANCE**

The Procurement Division may require that a Bid be accompanied by Bid Security to guarantee that the successful Supplier enters into a Contract with the Corporation.

- (a) In addition to the security referred to in Section 26, the successful Supplier may also be required to provide:
  - (i) a performance bond to guarantee the performance of the Contract;

- (ii) a labour and materials payment bond to guarantee the payment for labour and materials to be supplied by subcontractors in connection with a Contract; and/or
  - (iii) such further security or evidence of compliance as the Procurement Division deems appropriate in the circumstances.
- (b) Prior to the commencement of work, the Supplier shall provide to the Corporation, proof of insurance in accordance with the Bid Solicitation, satisfactory to the City Solicitor.
- (c) Prior to the Corporation issuing payment to a Supplier, the Supplier shall provide a Certificate of Clearance from the Workplace Safety and Insurance Board confirming all premiums or levies have been paid to the Board to date.
- (d) Failure to comply with all terms and conditions of a Bid Solicitation, including failure to provide proof of insurance as required, shall be just cause for cancellation of the Award.

## **27. BID IRREGULARITIES**

- (a) The Procurement Division will maintain procedures to administer Bid Irregularities.
- (b) Each Bid Solicitation document issued by the Corporation will outline Bid Irregularities that may lead to the disqualification of a Bid or may require corrective action to take place in order to make the Bid compliant. The Bid Irregularities and the response that the Corporation would have to each Bid Irregularity may change from time to time. The listing of Bid Irregularities and responses in a Bid Solicitation document is not intended to be a comprehensive listing of all irregularities.
- (c) The process for administering Bid Irregularities shall be in the first instance, in accordance with the provisions of the Bid Solicitation and in the event the Bid Solicitation does not provide a full answer to the irregularity in question, then in accordance with the procedures maintained by the Procurement Division.
- (d) Notwithstanding subsection 27(c), Bid Irregularities shall not be handled in a manner that, in the opinion of the City Solicitor, would result in the legal liability of the Corporation arising from the contemplated course of action that will create a materially more significant risk of legal liability than an alternative method available to the Corporation.
- (e) The Procurement Division will attempt to avoid creating Bid Irregularities by putting in Bid Solicitations only mandatory requirements that are justifiable having regard to the Corporation's needs and requirements and are

commercially reasonable and avoiding mandatory requirements that are not commercially reasonable.

## **28. FORM OF CONTRACT**

- (a) All Awards shall require the issuance of a Contract.
- (b) A Purchase Order may be used when the resulting Contract is straightforward and will refer to the Corporation's standard terms and conditions outlined in the Bid Solicitation.
- (c) A formal written agreement satisfactory to the City Solicitor shall be used when the resulting Contract is complex or is a result of a Negotiation.
- (d) It shall be the responsibility of the Procurement Division in consultation with the City Solicitor to determine if it is in the best interest of the Corporation to establish a Contract with the Supplier.

## **29. SUPPLIER PERFORMANCE**

- (a) The Department Representative shall monitor and document the performance of Suppliers providing Goods and/or Services to that Department and shall advise the Procurement Division in writing when the performance of a Supplier has been unsatisfactory.
- (b) The Corporation may, in its sole discretion, disqualify a Supplier from bidding on any Bid Solicitation or reject a Bid submitted by the Supplier if a Supplier:
  - (i) has, at any time, threatened, commenced or engaged in a claim or litigation against the Corporation, except an adjudication under the Construction Act;
  - (ii) is a respondent in a claim or litigation initiated by the Corporation;
  - (iii) previously provided Goods and/or Services to the Corporation in an unsatisfactory manner;
  - (iv) has failed to satisfy an outstanding debt owed by the supplier to the Corporation;
  - (v) has a history of illegitimate, frivolous, unreasonable or invalid claims against the Corporation;
  - (vi) provides incomplete, unrepresentative references, or receives unsatisfactory external and/or internal references in a reference check in relation to the Bid Solicitation.

### **30. DEBRIEFING**

All requests for a formal or informal Supplier Debriefing to obtain feedback on why a Bid was not successful must be received by the City of Niagara Falls in writing and directed to the Procurement Division. A request for a Supplier Debriefing will not alter an Award decision.

### **31. DISPUTE RESOLUTION**

- (a) The Corporation encourages competitive bidding and an open, accountable and transparent process for the Purchase of Goods and/or Services.
- (b) To maintain the integrity of the Bid Solicitation process, a Supplier that believes that it has been treated unfairly in a Bid Solicitation (including pursuant to the requirements of applicable Trade Agreements) may challenge the process by filing with the Manager of Procurement a Substantive Objection that details its complaints within;
  - (i) two (2) business days from the posting of the Bid results on the Bidding System website for a Request for Quotations or Request for Tenders; or
  - (ii) two (2) business days of the Supplier being notified of the results of a Request for Pre-Qualification, Request for Expression of Interest, Request for Proposal or Negotiated Request for Proposal.
- (c) Upon receipt of the Substantive Objection, the Manager of Procurement shall request a meeting with all persons named in the Substantive Objection to discuss the particulars of the claim within seven (7) business days. If agreed by those attending the meeting that the matter can best be handled by a written response only, the Manager of Procurement or Designate shall with the assistance of those named prepare a written response and send it to the company or person that issued the Substantive Objection.
- (d) If the matter cannot be best handled by a written response, a meeting will be convened between those who have been named in the Substantive Objection and the originator of the Substantive Objection. The Manager of Procurement or Designate shall chair such meeting and appoint a meeting recorder to record all pertinent conversation. If the Substantive Objection can be resolved at this meeting a written report of such resolution shall be sent by the Manager of Procurement or Designate to all who were in attendance.
- (e) In the event a resolution cannot be achieved at said meeting described in 31(d) above and the originator of the Substantive Objection requests to further prosecute the Substantive Objection, the Manager of Procurement or Designate shall contact the City Solicitor. The Substantive Objection shall then be handled by the City Solicitor in accordance with established procedures for processing such claims.



- (f) To ensure that the Dispute Resolution process for the particular Bid Solicitation process is seen to be fair and impartial, elected officials shall not advocate on behalf of Suppliers who have submitted a Substantive Objection.

### **32. LOBBYING RESTRICTIONS**

- (a) Lobbying restrictions shall apply to Suppliers, their staff members, or anyone involved in preparing a Bid. No Suppliers, their staff members, or anyone involved in preparing a Bid shall engage in any form of political or other Lobbying whatsoever or seek to influence the outcome of the Bid Solicitation process or subsequent Award. This restriction extends to all the Corporation's staff and anyone involved in preparing a Bid Solicitation or participating in a Bid evaluation process and members of Council.
- (b) The Corporation may reject any Bid by a Supplier that engages in such Lobbying, without further consideration, and may terminate that Supplier's right to continue in the Procurement process.
- (c) During a Procurement process, all communications shall be made through the Procurement Division. No Supplier or person acting on behalf of a Supplier or group of Suppliers, shall contact any elected official, consultant or any employee of the Corporation to attempt to seek information or to influence the Award.
- (d) Elected officials shall refer any inquiries about a Bid Solicitation process to the Manager of Procurement.

### **33. ACCESS TO INFORMATION**

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

### **34. SURPLUS ASSETS**

- (a) Department Managers shall submit to the Procurement Division from time to time and upon request, a list of Surplus Assets in accordance with the Purchasing Procedures.
- (b) All Surplus Assets shall first be offered to other Departments.
- (c) The Procurement Division shall have the authority to sell or dispose of all Surplus Assets, by sealed bid, public auction, any other public sale or donation.
- (d) The sale of Surplus Assets shall be made to the highest bidder and in accordance with the provisions of this By-law.
- (e) Surplus Assets shall not be sold directly to an employee or to a member of Council, although this does not prohibit any employee or member of Council from purchasing Surplus Assets being sold through a public process.
- (f) Surplus Assets not required by any Department may also be offered to area municipalities, agencies and charitable organizations within the Niagara Region prior to any public Disposal procedure. Donations to non-profit agencies or non-profit institutions should be for educational or teaching purposes only. All donated Surplus Assets must be approved by the Director of Finance.
- (g) If it is determined that the Goods have no residual value, the Procurement Division may dispose of them as waste.
- (h) Co-ordination of the disposal of unsafe or hazardous surplus items shall be with Service Center Stores staff.

### **35. COMPLIANCE**

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

- (e) Non-compliant Purchases or obligations entered into for a Good or Service can be completed by the Corporation if deemed appropriate to avoid legal jeopardy and/or undue disruption to program delivery. The Manager of Procurement and the Director of Finance are required to approve all non-compliant exceptions and upon such approval being provided, such non-compliant exceptions shall be deemed for the purposes of this subsection to be in compliance with this By-law.

### **36. ENVIRONMENTALLY SOUND ACQUISITIONS**

Departments will endeavour to include specifications in Bid Solicitations that provide for energy efficient products, reusable products and products that contain the lowest possible level of post-consumer waste and/or the highest possible recyclable content, without significantly affecting the intended use of the Good or Service.

### **37. CONFLICT OF INTEREST**

- (a) Personal Purchases shall not be made for any elected or appointed officials, members of a board or commission, or for Corporation officers, employees or their families.
- (b) An employee of the Corporation who has the responsibility for declaring Surplus Assets shall not bid on or personally obtain any goods that he or she has declared as surplus.
- (c) Every elected official, officer and employee of the Corporation and members of an elected official, officer or employee's family are expressly prohibited from accepting, directly or indirectly, from any person, company, firm or corporation to which any Purchase Order or Contract is, or might be awarded, any rebate, gift or money, except gifts of a nominal value as defined in the City's Conflict of Interest Policy, as amended.
- (d) All elected officials, officers and employees of the Corporation shall declare any Conflicts of Interest to the Director of Finance and shall have no involvement in a Procurement process where a real or perceived Conflict of Interest has been found or deemed to exist in accordance with the City's Conflict of Interest Policy, as amended, including, but not limited to:
  - (i) requesting the Goods and/or Services, setting the parameters of the Purchase, evaluating Bids or recommending, deciding or making Awards;
  - (ii) direct contact with those making those Purchasing decisions, both in the Procurement Division and the user Department.
- (e) Suppliers shall not be allowed to submit a Bid for any Bid Solicitation in which the Supplier has participated in the preparation of the Bid Solicitation, and any such Bid submitted shall be disqualified.



**Schedule "A"**  
**PROCUREMENT BY-LAW**  
**THE CORPORATION OF THE CITY OF NIAGARA FALLS**  
**EXCEPTIONS TO FORMAL PURCHASING PROCESS**

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

- 1.** Petty Cash items
- 2.** Training and Education
  - (a) Conferences, conventions, courses and seminars
  - (b) Magazines, books, periodicals
  - (c) Memberships
  - (d) Staff Development
- 3.** Refundable Employees Expenses
  - (a) Advances
  - (b) Meal Allowances
  - (c) Travel and Entertainment
  - (d) Miscellaneous - Non-Travel
- 4.** Employer's General Expenses
  - (a) Payroll Deductions Remittances
  - (b) Medical
  - (c) Licenses (Vehicle, Firearms, etc.)
  - (d) Customs Brokerage Fees
  - (e) Debenture Payments
  - (f) Insurance Premiums
  - (g) Grants to Agencies
  - (h) Damage Claims
  - (i) Petty Cash Replenishment
  - (j) Tax Remittances

- (k) City charges to and from other government bodies
  - (l) Sinking Fund Payments
  - (m) Payment for employment (i.e. Contract employees)
  - (n) Employee Benefits
  - (o) Postage
- 5. Professional and Special Services**
- (a) Committee Fees
  - (b) Medical and Laboratory Services
  - (c) Fees for professional legal or related expert services
  - (d) Integrity Commissioner
  - (e) Payments to Social Service and Health Agencies that are subject to Purchase of Service Agreements, such as childcare providers.
  - (f) Medical and Dental fees
  - (g) Funeral and Burial expenses
  - (h) Appraiser Fees
  - (i) Witness fees
  - (j) Honoraria
  - (k) Advertising
- 6. Ongoing maintenance and software licencing agreements for equipment such as computer hardware and software, telecommunications equipment, elevators, and HVAC equipment.**
- 7. Banking Services and Charges**
- 8. Utilities (monthly charges)**
- a) Water and Sewer
  - b) Hydro
  - c) Gas
  - d) Communication Infrastructure Services such as Bell, Cogeco, Rogers, etc.

e) Utility relocations

f) Construction work completed by Railways and billed to the Corporation.

**9. Real Property**

a) Acquisition or Disposal of Real Property including easements and right-of-ways through a rental, lease, purchase or sale.

**10. Resale Items**

**PROCUREMENT BY-LAW  
THE CORPORATION OF THE CITY OF NIAGARA FALLS  
PURCHASING AND EXECUTION AUTHORITY**

<b>Method of Purchasing</b>	<b>Dollar Value</b>	<b>Purchasing Authority*</b>	<b>Document Execution Authority **</b>	<b>Payment Release Authority***</b>
Low Value Purchasing Card Direct Invoice	Up to \$2,500	Department Representative	Department Representative within Signing Authority / Department Manager	Department Representative within Signing Authority / Department Manager
Request for Quotation – Small Value Quotes Purchase Order	> \$2,500 to \$25,000	Department Representative	Department Representative/Manager within Signing Authority / Director or Designate / Manager of Procurement	Department Representative / Manager within Signing Authority / Director
Request for Quotations or Proposals – Mid Value Purchase Order or Agreement Executed By Legal Department	> \$25,000 to \$100,000	Department Representative	Department Director or Designate / Manager of Procurement, Director of Finance and CAO over \$50,000	Department Director or Designate / Director of Finance and CAO over \$50,000
Request for Tender or Proposals – Large Value Purchase Order or Agreement Executed by Legal  Agreement Executed By Legal Department	> Greater than \$100,000	Department Representative	Council as per subsection (24) / Director of Finance and CAO if already approved in the Budget  Mayor and City Clerk	Department Director or Designate / Director of Finance and CAO



**PROCUREMENT BY-LAW  
THE CORPORATION OF THE CITY OF NIAGARA FALLS  
PURCHASING AND EXECUTION AUTHORITY**

<b>Method of Purchasing</b>	<b>Dollar Value</b>	<b>Purchasing Authority*</b>	<b>Document Execution Authority **</b>	<b>Payment Release Authority***</b>
Single Source, Special Circumstances and Negotiation	> \$2,500 to \$25,000 (Small Value)	Department Manager / With Manager of Procurement Approval	Director and Manager of Procurement	Department Representative within Signing Authority / Department Manager
Purchase Order or Agreement Executed By Legal Department	> \$25,000 to \$100,000 (Mid Value)	Department Manager / With Manager of Procurement / Director of Finance and CAO Approval	Director and Manager of Procurement, Director of Finance and CAO over \$50,000	Director and Director of Finance and CAO over \$50,000
	> Greater than \$100,000 (Large Value)	Council	Mayor and City Clerk	Director and Director of Finance and CAO

\* "Purchasing Authority" means those positions listed and includes any position that is higher in the Corporation's reporting structure based on approved Budget amount.

\*\* "Document Execution Authority" means those positions listed that are permitted to execute documents based on the Corporation's By-laws.

\*\*\* "Payment Release Authority" as per Accounts Payable Invoice Authorization Signing Authority list, as amended.

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THE CORPORATION OF THE CITY OF NIAGARA FALLS  
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THE CORPORATION OF THE CITY OF NIAGARA FALLS  
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