

Municipality of Lambton Shores

Procurement and Asset Disposal

Policy

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1 Purpose

The purpose of this Policy is:

- (a) to encourage competitive bidding; to ensure fairness between bidders;
- (b) to ensure openness, objectivity, integrity, accountability and transparency while protecting the best interests of the Municipality and the taxpayers therein;
- (c) to authorize a variety of Purchasing methods, for use depending on the particular circumstances of the acquisition;
- (d) to obtain the best value for the Municipality when procuring Goods and/or Services;
- (e) to avoid real and perceived conflicts between the interests of the Municipality and those of the Municipal employees and elected officials and to ensure compliance with the *Municipal Conflict of Interest Act, R.S.O. 1990, c.M.50, as amended*;
- (f) to ensure legislative compliance;

1.1 Legislative Authority

The Municipal Act, 2001, S.O., c.25, as amended, states:

Section 270 (1) Adoption of policies - A *Municipality shall adopt and maintain policies with respect to the following matters:*
3. *Its procurement of goods and services*

1.2 Interpretation

The word “can” and “may” are permissive.

The word “must” and “shall” are imperative.

Words used in the present terms include the future.

Words in the singular form include the plural form, and vice versa.

Where an official of the Municipality is authorized to do any act pursuant to this Policy, this also includes the official’s authorized delegate.

The masculine gender shall include the feminine gender, and vice versa.

All dollar amounts are expressed in this policy are in Canadian dollars.

All solicitations and processes under this policy shall be conducted in English.

The headings in this Policy are for reference only.

2 Definitions

(a) In this policy, the following words will have the following meanings:

“Agreement”

A formal written document entered into at the end of the procurement process that binds the Municipality;

“Authority”

The right to conduct the tasks in this policy;

“Award”

Authorization to proceed with the Purchase, Sale or Disposal of Goods and/or Services from or to a chosen Supplier;

“Bid”

An offer or submission received in response to a Bid Solicitation which is subject to acceptance or rejection by the Municipality;

“Bid Approval Documentation”

A completed Purchase Authorization Form or Council Report, which authorizes the purchase of Goods and/or Services;

“Bid Deposit”

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 Municipality, as per Section 28 of this policy;

“Bid Solicitation”

A formal request for Bids including an Informal Quotation, Request for Quotation, Request for Pre-Qualification, Request for Tender, and Request for Proposal or Request for Expression of Interest;

“Bidder”

A person, supplier, vendor, contractor, developer or professional, who submits a bid to the Municipality;

“Budget”

The budget or portion of the budget approved by Council;

“Chief Administrative Officer (CAO)”

The Chief Administrative Officer of the Municipality of Lambton Shores or designate;

“Clerk”

The Clerk of the Municipality of Lambton Shores or designate;

“Competitive”

Multiple vendors are given an opportunity to compete for Municipal Business;

“Compliant Bid”

A Bid that meets the terms and conditions of the Bid Solicitation and this policy;

“Conflict of Interest”

A situation where a personal, business or other interest of an elected official, an employee or contract employee of the Municipality is in conflict with the interests of the Municipality, and includes, but not limited to:

- (i) the giving or receiving of a direct personal gain or benefit, or a direct advantage or privilege, by any person or business that offers Goods and/or Services to the Municipality;
- (ii) a direct or indirect interest in any business that provides Goods and/or Services to the Municipality; or
- (iii) a conflict of interest as defined in the *Municipal Conflict of Interest Act*;

“Contract”

A binding agreement between two or more parties that creates an obligation to provide or sell Goods or perform Services;

“Corporation”

The Corporation of the Municipality of Lambton Shores;

“Council”

The Council of the Corporation of the Municipality of Lambton Shores;

“Department”

Any Department of the Corporation including any division within a Department;

“Department Head”

The individual accountable for the department and services assigned to each division thereof;

“Department Representative”

A position authorized in writing by the CAO or Department Head for the Purchase and Disposal of Goods and/or Services up to the value of their prescribed authority and which written authorization must be filed with the Treasurer;

“Designate”

A person authorized in writing to act on behalf of another during his or her absence, which written authorization has been filed with the Treasurer; 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, for purpose of this policy;

“Disposal”

The selling, trading, assignment and/or scrapping of surplus assets;

“Formal Bid Process”

The process for receipt of Bids, as outlined in Section 22;

“Goods”

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;

“Informal Quotation”

The request for bids for goods and/or services that may or may not be published and received on prescribed forms, by a predetermined time.

“Lobbying”

The advocacy of an interest that is affected; actually or potentially, by the Bid Solicitation process or individuals involved in the Bid Solicitation process including seeking to influence the outcome of the Bid Solicitation process or subsequent Award.

“Lowest Compliant Bid”

The Compliant Bid that would provide the Municipality with the desired Goods and/or Services at the lowest cost;

“Management Supervisor”

Non-Union staff that supervises designated staff;

“Municipality”

The Corporation of the Municipality of Lambton Shores;

“Negotiation”

A purchasing method whereby the Municipality may negotiate directly with one or more Suppliers with the intent to award a Contract or extend an existing Contract.

“Policy”

A governing principle or plan as set by Council which establishes the general parameters for the Municipality to follow in carrying out its responsibilities;

“Professional Services”

Those services requiring the skills of professionals for defined service requirement including but not limited to:

- (i) architects, engineers, designers, surveyors, geoscientists, project managers, financial consultants, auditors, accountants, and medical professionals, insurance and legal counsel/advisors;
- (ii) firms or individuals having specialized competence in environmental, planning or similar disciplines; and,
- (ii) software consultants and any other persons providing similar services;

“Purchase”

To acquire goods and services by purchase, rental, lease or trade, including construction;

“Purchase Authorization”

A request for Goods and/or Services, for which the Budget has been approved, prepared by a Department Representative and approved as per Schedule “C”;

“Purchase Card”

A corporate credit or purchase card to be used for acquiring corporately needed goods and services within established guidelines;

“Purchasing”

The process for obtaining Goods and/or Services;

“Quotation”

A binding statement of price, terms of sale and description of goods and / or services offered by a supplier;

“Request for Pre-Qualification (RFPQ) or Expression of Interest (RFEOI)”

A public request by the Municipality 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 Municipality. Receipt of an expression of interest by the Municipality does not create any obligation between the potential Supplier and the Corporation, but may be a precondition to qualifying for subsequent Bid Solicitations issued by the Municipality;

“Request for Proposal” or “RFP”

A public request for proposals by the Municipality made in accordance with Section 17 of this Policy, seeking proposals to supply Goods and/or Services to the Municipality, which may or may not result in an Award by the Municipality;

“Request for Quotation” or “RFQ”

A request for Quotations by the Municipality for the provision of goods and/or services made in accordance with Section 15 of this Policy;

“Request for Tender” or “RFT”

A public request for Tenders by the Municipality for the provision of goods and/or services made in accordance with Section 16 of this Policy;

“Services”

Intangible products that do not have a physical presence and includes Professional Services. No transfer of possession or ownership takes place when services are sold, and they: (1) cannot be stored or transported; (2) are instantly perishable; and (3) come into existence at the time they are bought and consumed;

“Single Source”

The non-competitive procurement process to acquire Goods and/or Services from a specific supplier even though there may be more than one Supplier capable of delivery of the same Goods and/or Services;

“Sole Source”

There is only one source of the Goods and/or Services that meets the requirements of the Municipality;

“Special Circumstance”

- (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 and Civil Protection Act, R.S.O. 1990, c.E.8, as amended, or any successor legislation thereto;*

“Specialized Services”

Those Services requiring the skills of trades including, but not limited to electrical, mechanical, drywall, painting, HVAC, roofing, plumbing, electronics, and insulation;

“Substantive Objection”

A written objection provided to the Corporation from a Supplier with respect to a Bid Solicitation giving specific reasons for the objection;

“Supplier”

Any individual or organization offering Goods and/or Services including but not limited to contractors, consultants, vendors and service organizations;

“Surplus Assets”

Goods, vehicle, equipment and other assets, which are obsolete, damaged or surplus to that Department’s needs;

“Tender”

A written detailed offer from a Supplier to supply Goods and/or Services to the Municipality;

“Treasurer”

The Treasurer/Director of Finance for the Municipality of Lambton Shores or designate;

“WSIB”

The Workplace Safety and Insurance Board

- (b) Schedules “A”, “B”, “C” and “D” attached hereto form part of this Policy.
 - (A) Goods and Services Exempt from the Policy
 - (B) Bid Irregularity Actions
 - (C) Purchase Methods, Authorities and Execution chart
 - (D) Vendor Performance Report

3 Application

(a) The policies and procedures outlined in this Policy, shall be followed for the purchase of all Goods and/or Services by the Corporation or any of its officers, agents, employees, Boards and committees.

(b) The Methods of Purchasing set out in Sections 10 to 22, and the Reporting Procedures set out in Section 26, shall not apply to the Purchase and Disposal of those Goods and Services outlined in Schedule “A” as long as the funding is available in the Budget.

(c) Any Contract necessary to complete the Purchase of Goods and/or Services outlined in Schedule "A" shall be signed by the CAO provided that:

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

4 Accessibility Requirements

(a) When procuring goods, services, self-service kiosks or facilities, the Municipality shall incorporate accessibility criteria and features, unless it is not feasible (practicable) to do so. If not practicable, the Municipality shall provide an explanation, upon request. Furthermore it is the expectation of the Municipality that as required by law, any selected vendor shall comply with the accessibility standards under the Accessibility for Ontarians With Disabilities Act, 2005 (AODA).

5 Responsibilities and Authorities

(a) The CAO shall have all the necessary authority to administer this Policy and to carry out his or her related duties on behalf of the Corporation.

(b) Department Heads are responsible for and shall have the authority to:

- (i) Acquire or dispose of Goods and/or Services;
- (ii) call, receive, open and review Bids;
- (iii) establish administrative procedures and policies for the implementation of this Policy;
- (iv) establish, through consultation with the CAO, standards for Bid Solicitations, Contracts and other documents;
- (v) establish, through consultation with the user Department and CAO, the terms and conditions of the Bid Solicitations;
- (vi) provide guidelines on procurement policies and procedures and the structure, format and general content of Bid Solicitations;

(vii) identify Accessibility requirements which should be part of the procurement process, if applicable;

(viii) review proposed Bid Solicitations to ensure clarity, reasonableness and quality and advise staff of suggested improvements;

(ix) establish, through consultation with the CAO & Treasurer, policies and procedures to support the Corporation's Purchase Card Usage Guidelines.

(x) act on behalf of the Corporation, and from time to time, other boards, committees, agencies and municipalities, for the purposes of the joint Purchase or Disposal of Goods and/or Services;

(xi) ensure open, fair and impartial Purchasing processes for Goods and/or Services;

(xii) ensure compliance with this Policy and advise the CAO when there has been non-compliance. The CAO shall consult with the Department Head and take appropriate action to address and correct any non-compliance;

(xiii) develop co-operative purchasing plans with other units of government or their agencies or public authorities, where deemed beneficial to the Corporation; and

(xiv) promote the standardization of Good and/or Services, where such standardization demonstrates and supports the purposes, goals and objectives of this Policy.

(c) The Department Head, with the written approval of the CAO, may delegate to an employee or employees, all or part of the authority in Subsection 5(b) above, which authority may be limited to a particular type of Goods and/or Services.

(d) The CAO or Department Head shall appoint in writing and file with the Treasurer, Department Representatives and Management Supervisors who shall be responsible for the Purchasing of Goods and/or Services and oversight up to the value of their prescribed authority in accordance with Section 5(e);

(e) Management Supervisors will also have the following specific responsibilities for implementation of bids:

(i) ensuring that all Contract terms and conditions comply with the Bid Solicitation;

- (ii) preparing and approving all specifications and terms of reference;
- (iii) managing Contracts to ensure Goods and/or Services are received by the Corporation and comply with Contract terms and conditions;
- (iv) monitoring all Contract expenditures and ensuring that all financial limitations have been complied with and that all accounts are paid within the times set out in the Contract;
- (v) monitoring the performance of Suppliers (see Schedule “D”);
- (vi) standardizing the use of Goods and/or Services, where such standardization demonstrated and supports the purposes, goals and objectives of this Policy; and
- (vii) ensuring that all Goods and/or Services Purchased or Disposed have been received and invoices coded in a timely fashion.

6 Requirement for Approved Funds

- (a) The exercise of authority to award a Contract is subject to the identification and availability of sufficient funds in appropriate accounts within the Budget.
- (b) Where Goods and/or Services are routinely purchased or leased on a multi-year basis, the exercise of authority to award a Contract is subject to the following:
 - (i) the identification and availability of sufficient funds in appropriate accounts for the current year within the Budget;
 - (ii) the Goods and/or Services will continue to be required in subsequent years and, in the opinion of the Department Head, or delegate, 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.

7 Trade Agreements

- (a) Purchasing by the Municipality may be subject to the provisions of trade agreements.

(b) Where an applicable trade agreement supersedes and is in conflict with this Policy, the trade agreement shall take precedence.

(c) CAO and/or Treasurer shall advise the appropriate Department Head when a Purchase may not conform to an applicable trade agreement as early as possible in the Bid Solicitation process.

8 Advertising of Bid Solicitations

(a) The Corporations website is the official location for bid process documentation and results.

(b) Purchases less than \$50,000 for Goods and/or Services may be advertised.

(c) Purchases exceeding \$50,000 for Goods and/or Services, as a minimum, shall be advertised:

(i) on the website for the Corporation and/or a website authorized by the CAO for posting bid calls, from the date that the Bid Solicitation is issued up to and including the date on which the Bid Solicitation closes; and/or

(ii) one time, at least seven (7) calendar days before the Bid Solicitation closes, in a newspaper that has circulation within the majority area of the geographic municipal boundaries and/or in a specialized trade publication.

(c) No additional advertising is required for Purchases where bidders have been previously pre-qualified in accordance with this Policy.

9 Purchasing Documentation

(a) The use of Standard Bid documents shall be approved by the CAO and Treasurer.

(b) A Bid Solicitation may specify a specific product or brand name to ensure consistency, to minimize risk to the Municipality, or for other valid purposes.

(c) All changes to standard Bid Solicitations and Contracts may be reviewed by legal counsel as determined by the CAO.

10 Methods of Purchasing

(a) Any person Purchasing or Disposing Goods and/or Services on behalf of the Municipality shall do so using one of the following methods of Purchasing set out in Sections 10 to 22 (“Methods of Purchasing”). The methods may be utilized individually or in combination with one another, as may be appropriate in the circumstances.

(b) Any person Purchasing or Disposing Goods and/or Services on behalf of the Municipality is exempt from using one of the following methods of Purchasing set out in Sections 10 to 22 (“Methods of Purchasing”) if the purchase is for items identified in Schedule “A” or with a Vendor of Record (“VOR”). The Ontario Government, through the Ministry of Government and Consumer Services, has contracted with vendors to supply a variety of Goods and Services which are accessible to public sector entities in Ontario. Through the VOR program, the Ontario Government has undertaken the competitive process on behalf of public sector entities. VOR purchases shall still be subject to the responsibilities for the Purchasing of Goods and/or Services and oversight up to the value of their prescribed authority.

(c) Co-operative Purchasing with other organizations may be utilized as outlined in Section 24.

11 Request for Pre-Qualification

(a) Department Heads 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 21.

(b) Pre-qualification may be considered in the following circumstances:

(i) the work will require substantial project management by the Corporation and could result in substantial cost to the Corporation if the Supplier is not appropriately experienced;

(ii) the Goods and/or Services to be purchased must meet applicable safety standards;

(iii) the work involves complex, multi-disciplinary activities, specialized expertise, equipment, materials or financial requirements;

(iv) miscellaneous repairs and services as required by the Corporation such as plumbers, electricians, and drywall contractors;

(v) there could be substantial impact on the Corporation's operations if the work is not satisfactorily performed the first time; or

(vi) any other circumstances deemed appropriate by the CAO or respective Department Head.

(c) An **RFPQ** shall be provided to the potential Suppliers setting out the criteria for pre-qualification which may include, but are not limited to:

(i) experience on similar work (firm and staff assigned)

(ii) references provided from other customers for similar work;

(iii) verification of applicable licences and certificates;

(iv) health and safety policies and staff training; and

(v) financial capability

(d) Supplier submissions will be evaluated and ranked and a short list of pre-qualified Suppliers will be invited to participate in the second step of the two-step Purchasing process, being a Request for Proposal or a Request for Tender.

(e) An **RFPQ** is not a legal offer but only an invitation for Suppliers to make offers to the Corporation.

(f) All **RFPQ's** shall be conducted in accordance with submission instructions in the Bid Solicitation and Section 8 of this Policy.

12 Request for Expressions of Interest

Department Heads 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 Suppliers and may be used as a specific pre-condition of any method of Purchasing utilized by the Municipality. The receipt of an expression of interest by the Municipality does not create any obligation between the potential Supplier and the Municipality.

(a) All **RFEOI's** shall be conducted in accordance with submission instructions in the Bid Solicitation and Section 8 of this Policy.

13 Direct Purchase

(up to \$10,000 excluding taxes)

(a) Department Representatives are authorized to procure Goods and/or Services up to a total value of \$10,000, excluding taxes. Only purchases that can be demonstrated to have been made at Fair Market Value shall be made.

Purchases between \$0 and \$5,000 by a Department Representative shall be approved by a Management Supervisor.

Purchases between \$5,001 and \$10,000 by a Department Representative shall be approved by a Department Head.

Department Representatives may procure Goods and/or Services through the following means:

(i) Purchasing Card used in strict accordance with the Municipal Corporation's Purchase Card Usage Guidelines;

(ii) direct invoice from the Supplier approved and signed by the Management Supervisor authorized to approve the purchase or the Department Head.

(b) Where the purchase is related to providing services, WSIB coverage and/ or clearance and appropriate insurance must be verified prior to the commencement of the work.

14 Informal Quotations

(purchases between \$10,001 and \$25,000 excluding taxes)

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

(b) The purchase authorization form shall be prepared for signature and approval.

(c) Where the purchase is related to providing services, WSIB coverage and/ or clearance and appropriate insurance must be verified prior to the commencement of the work.

15 Request for Quotations

(purchases between \$25,001 and \$50,000 excluding taxes)

(a) For purchases with a total value greater than \$25,000 and not exceeding \$50,000, excluding taxes, a Request for Quotation (**RFQ**) may be used to Purchase and shall be issued by the Department Head.

(b) If possible, at least three (3) Quotations shall be solicited, analyzed and the results tabulated.

(c) All **RFQ's** shall be conducted by a Department Representative and Department Head in accordance with Section 22.

(d) Any Bid irregularities shall be dealt with in accordance with Schedule "B".

(e) Bids received shall be analyzed and evaluated by Department Representative and Department Head using the criteria outlined in the Bid Solicitation.

(f) Where an award is recommended, the purchase authorization form shall be prepared for signature and approval as per Schedule "C".

(g) Where the purchase is related to providing services, WSIB coverage must be verified prior to the commencement of the work.

16 Request for Tender

(purchases greater than \$50,001 excluding taxes)

(a) For purchases with a total value greater than \$50,000, excluding taxes, a Request for Tender (**RFT**) shall be issued, provided that all of the following 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 Tenders against clearly defined criteria; and

- (iii) it is intended that the Lowest Compliant Bid will be accepted.
- (b) All **RFT's** shall be conducted in accordance with Section 22.
- (c) All **RFT's** shall be advertised in accordance with Section 8 except where a list of pre-qualified Suppliers has been compiled in accordance with Section 11.
- (d) Where an **RFPQ** has previously been conducted, only pre-qualified Suppliers shall be notified and Bids shall only be accepted from pre-qualified Suppliers.
- (e) Any Bid irregularities shall be dealt with in accordance with Schedule B.
- (f) The Bid Approval Documentation shall be prepared in accordance with Section 26.
- (h) All Purchases shall be authorized in accordance with the Purchasing Approval Authorities set out in Schedule "C".

17 Request for Proposal

(purchases greater than \$10,000 excluding taxes)

- (a) A Request for Proposal (**RFP**) shall be issued 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 therefore, are not known or are not definable and it is expected that Suppliers will further define them.
- (b) **RFP's** may require Suppliers to submit a Bid in sealed separate envelopes which may contain technical, financial, proprietary, confidential and other information as prescribed in the Bid Solicitation.
- (c) All **RFP's** will be evaluated based on the evaluation criteria outlined in the Bid Solicitation by Management Supervisor.
- (d) **RFP's** shall be advertised in accordance with Section 8, except where a list of pre-qualified Suppliers has been compiled in accordance with Section 11.

(e) Any Bid irregularities shall be dealt with in accordance with Schedule "B"

(f) The Bid Approval Documentation shall be prepared in accordance with Section 26.

(g) All Purchases shall be authorized in accordance with the Purchasing Approval Authorities set out in Schedule "C".

18 Single Source Purchases

(a) Bid solicitations are not required for Single Source Purchases, provided any of the following conditions apply:

(i) the compatibility of a Purchase with existing equipment, product standards, facilities or service is a paramount consideration;

(ii) a Good or Service is Purchased for testing or trial use;

(iii) there is an absence of competition for technical reasons and the Goods and/or Services can only be supplied by a particular Supplier a Sole Source is being recommended;

(iv) an unforeseeable situation of urgency exists and the Goods and/or services cannot be obtained in time by means of open procurement procedures;

(v) the Municipality has a rental contract with a purchase option and such purchase option is beneficial to the Municipality;

(vi) there are no bids in response to a Bid Solicitation;

(vii) a roster for Professional Services has been developed in accordance with Section 21 of this Policy;

(b) The Bid Approval Documentation shall be prepared in accordance with Section 26.

(c) All Purchases shall be authorized in accordance with the Purchasing Approval Authorities set out in Schedule "C".

19 Special Circumstance Purchases

(a) Purchases that are required to respond to Special Circumstances shall be authorized in accordance with Schedule "C". All such purchases are exempt from the processes outlined under the Methods of Purchasing, but such processes may be followed where practical to do so, and in all instances must be reported to the CAO on the following business day.

20 Negotiation

(a) Notwithstanding that Negotiation may be a component of another procurement process; Negotiation may be used for Purchases of Goods and/or Services when any of the following criteria apply:

- (i) the required Goods and/or Services are in short supply
- (ii) competition is precluded due to the existence of any patent right, copyright, technical secret or control of raw material;
- (iii) a Sole Source is being recommended;
- (iv) two (2) or more identical Bids are received;
- (v) the Lowest Compliant Bid received meeting all mandatory specifications exceeds the Budget amount;
- (vi) the extension of an existing Contract would be more effective;
- (vii) only one (1) Bid is received in response to a Bid Solicitation;
- (viii) the Bid Solicitation process has been cancelled without Award;
- (ix) a roster for Professional Services has been developed in accordance with Section 21 of this Policy;
- (x) there is Council authorization to do so.

(b) The Bid Approval Documentation shall be prepared in accordance with Section 26.

(c) All Purchases shall be authorized in accordance with the Purchasing Approval Authorities set out in Schedule "C".

21 Roster for Professional or Specialized Services

(a) An **RFPQ** or an **RFEOI** may be conducted for the purpose of developing a roster of qualified Suppliers of Professional or Specialized Services for groups of projects requiring similar and particular expertise. While the use of a roster is strictly optional, the associated **RFPQ** or **RFEOI** shall be conducted in accordance with the provisions of this Policy.

(b) A Department Representative or Management Supervisor shall provide to the Department Head the relevant information regarding the Professional Services and required expertise.

(c) A Department Representative or Management Supervisor and Department Head will prepare the **RFPQ** or **RFEOI**, inviting interested Suppliers to submit Bids outlining, among other things, their qualifications, availability, recent project experience, key personnel and roles and sufficient references satisfactory to the Department Director for work of a similar nature.

(d) An evaluation team consisting of members (2) of the requesting Department and a member of the Finance Department shall analyze and evaluate the responses received using the criteria outlined in the **RFPQ** or **RFEOI** to select a number of qualified Suppliers of Professional or Specialized Services which shall be placed on a roster.

(e) On subsequent projects, Suppliers of Professional or Specialized Services may be selected from the roster to submit detailed proposals in response to a Bid Solicitation, in accordance with Sections 13 through 17 of this Policy. The requesting Department shall invite Suppliers on the roster to provide Services, using best efforts to equally distribute opportunities amongst the Suppliers on the roster.

(f) Alternatively, a Supplier may be selected from the roster to submit a Bid for Professional or Specialized Services in accordance with Section 19 or 20 of this Policy.

(g) Rosters may be updated once every two (2) years.

22 Formal Bid Process

(a) All Bids (with the exception of submissions in response to Requests for Pre-Qualification and Informal Quotations) shall be received by no less than two staff

members, in accordance with the instructions in the Bid Solicitation, and opened in public at the time and place stated in the Bid Solicitation.

(b) Bids received shall be opened and the Suppliers named and the Bid amount(s) shall be read aloud and recorded unless the contents of a Bid envelope require validation in which case, the Bid will be reserved. If the reserved Bid is determined to be valid, a continuation of the Bid opening will be scheduled and the results of the Bid opening will be posted.

(c) When the Bid Solicitation is for registration purposes, only the Supplier's name will be read aloud and recorded.

(d) Bid Irregularities shall be administered in accordance with Schedule "B".

23 Bid Withdrawal

At any time prior to closing, a bid submission may be withdrawn by an officer of the submitting company. The withdrawal request must be in writing. The withdrawal of a bid does not disqualify the company from submitting another bid on the same tender call.

24 Co-operative Purchasing

The CAO or Department Heads may enter into arrangements with any government body, ministry, agency, board, corporation or authority on co-operative or joint bases for Purchases of Goods and/or Services where there are economic or other advantages in so doing and such Purchases comply with this Policy.

25 Cancellation

The Corporation may cancel a procurement process at any time without cause if it is in the best interest of the Corporation to do so.

26 Reporting

Prior to any Award, a Bid Approval Document shall be prepared by a Department Representative, signed and authorized in accordance with Schedule "C".

For purchases < \$100,000 a Purchase Authorization Form will be completed.

For purchases > \$100,000 a Council Report will be completed.

Council will be advised of all Special Circumstance purchases.

27 Prescribed Council Approval

(a) Notwithstanding any other provision of this Policy, the following Awards require Council approval:

- (i) the recommended Award exceeds the amount budgeted for the Purchase;
- (ii) the Authority to Award has not been expressly delegated to staff of the Municipality
- (iii) the recommended Award is not the Lowest Compliant Bid.
- (iv) or any other irregularity

(b) Council may, by resolution, waive the provisions of this policy.

28 Financial Securities and Insurance

(a) The CAO or Department Head may require that a Bid be accompanied by a Bid Deposit or other similar security to guarantee that the successful Supplier enters into a Contract with the Municipality.

(b) In addition to the security referred to in Subsection 28(a), the successful Supplier may also be required to provide:

- (i) a Performance Bond to guarantee the performance of the Contract; and/or
- (ii) a Labour and Materials Payment Bond to guarantee the payment for labour and materials to be supplied in connection with a Contract
- (iii) an irrevocable letter of credit or such further security as may be deemed appropriate in the circumstances

(c) Prior to the commencement of work, the Supplier shall provide to the Municipality, proof of insurance in accordance with the Bid Solicitation.

(d) Failure to comply with all terms and conditions of a Bid Solicitation, including failure to provide proof of insurance as required, shall be just cause for cancellation of the Award.

(e) Prior to the Municipality issuing payment to a Supplier, the Supplier shall provide a Certificate of Clearance from the Workplace Safety and Insurance Board, if applicable, confirming all premiums or levies have been paid to the Board to date.

29 Bid Irregularities

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

30 Form of Contract

(a) An award may require a formal written agreement.

(b) An email award may be used when the resulting Contract is straightforward and will refer to the Municipality’s standard terms and conditions outlined in the Bid Solicitation.

(c) A formal written agreement satisfactory to the Municipal lawyer shall be used when the resulting Contract is complex.

(d) It shall be the responsibility of the Department Head in consultation with the CAO to determine if it is in the best interest of the Municipality to establish a formal written agreement with the Supplier.

31 Forfeit of an Award

If a selected vendor withdraws his offer, the rules in the competitive procurement process request document will apply and the vendor may be disqualified from participating in future procurement processes for a period of up to two years.

32 Supplier Performance

(a) The project Management Supervisor shall monitor and document the performance of Suppliers providing goods and/or Services to the Corporation in a form outlined as Schedule “D”, and shall advise the Department Head and subsequently the CAO in writing when the performance of a Supplier has been unsatisfactory. Such records will be kept for 3 years and monitored by the Department Head or Representative prior to the acceptance of any Bid Solicitation to ensure compliance with section B below.

(b) The Municipality may, at its sole discretion; disqualify a Supplier from bidding on any Bid Solicitation or reject a Bid if a Supplier:

(i) has, at any time, threatened, commenced or engaged in legal claims or litigation against the Municipality;

(ii) is involved in a claim or litigation initiated by the Municipality;

(iii) previously provided Goods and/or Services to the Municipality in an unsatisfactory manner;

(iv) has failed to satisfy an outstanding debt to the Municipality;

(v) has a history of illegitimate, frivolous, unreasonable or invalid claims;

(vi) provides incomplete, unrepresentative references, or receives unsatisfactory external and/or internal references in a reference check undertaken by Municipal Staff;

(vii) has engaged in conduct that leads the Municipality to determine that it would not be in the Municipalities best interests to accept the Bid.

33 Dispute Resolution

(a) The Municipality encourages competitive bidding and an open, accountable and transparent process for the Purchase of Goods and/or Services.

(b) To maintain the integrity of the Bid Solicitation process, Suppliers who believe they have been treated unfairly in a Bid Solicitation process may submit a Substantive Objection to the CAO providing sufficient detail regarding their complaint within:

(i) seven (7) days from the conclusion of the Bid opening process for Request for Quotations or Request for Tenders; or

(ii) seven (7) days of the Supplier being notified of the results of a Request for Pre-Qualification or Request for Expressions of Interest or Request for Proposals.

(c) The CAO will investigate the complaint and arrange a debriefing with the Supplier to explain the Bid Solicitation process that led to the selection of the successful Supplier.

(d) Should a Supplier continue to have concerns respecting the Award and the decision, the Supplier may then request, in writing to the CAO, either a decision of Council or the appointment of a mediator, to assist in resolving any outstanding issues between the Supplier and the Municipality.

(e) The recommended mediator will be approved by both the Supplier and the Municipality.

(f) Costs for the mediator shall be equally shared by the Supplier and the Municipality.

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

34 Lobbying Restrictions

(a) Suppliers, their staff members, or anyone involved in preparing a Bid, shall not engage in any form of political or other Lobbying whatsoever or seek to influence the outcome of the Bid Solicitation process or subsequent Award. This restriction extends to all of the Municipality's staff and anyone involved in preparing a Bid Solicitation or participating in a Bid evaluation process, and members of Council.

(b) The Municipality may reject any Bid by a Supplier that engages in such Lobbying, without further consideration, and may terminate that Supplier's right to continue in the Bid Solicitation process.

(c) During a Bid Solicitation process, all communications shall be made through the individual identified on the RFEOI, RFPQ, RFP, RFQ or RFT as the main contact for that particular purchase. 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 Municipality to attempt to seek information or to influence the Award.

(d) Elected official shall refer any inquiries about a Bid Solicitation process to the CAO or identified individual in the solicitation.

35 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 Municipality shall adhere to or exceed the standards set in the Municipal Freedom of Information and Protection of Privacy Act or the *Personal Health Information Protection Act, 2004, S.O. 2004, c.3, Sched. A*, or other relevant Ontario or Federal privacy legislation or common law as may be passed or amended from time to time, as if they were agents of the Municipality as it relates to the confidential and secure treatment, including collection, use, disclosure or retention, of personal (health) information, other confidential information of the Municipality, and all records thereof which they come into contact with in the course of performing Services or providing Goods to the Municipality.

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 maximum level of post-consumer waste and/or recyclable content, without significantly affecting the intended use of the product or service. It is recognized that cost analysis is required in order to ensure that the products are competitively priced.

37 Surplus Assets

(a) All surplus assets shall first be offered to other Departments within the Municipality.

(b) All land sale and other disposition of land shall follow Policy # 43.

(c) Department Heads shall have the authority to sell or dispose of all surplus assets, by sealed bid, public auction, trade in or any other public sale.

(d) The sale of surplus assets shall be made to the highest bidder and in accordance with the provisions of this policy.

(e) The respective Department or Reserve Fund shall be credited with the net proceeds, if any, from the disposal of its surplus assets unless otherwise agreed.

(f) 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.

(g) Surplus assets may be donated to non-profit agencies or non-profit institutions for educational or teaching purposes only. Donated items shall not be re-sold. All donated surplus assets must be approved by the Council.

38 Compliance

(a) All persons involved in the Purchase or Disposal of Goods and/or Services provided for in this Policy, shall act in a manner consistent with the requirements and objectives of this Policy.

(b) Purchases may not be divided into two (2) or more parts to avoid the requirements of this Policy.

(c) Any Goods and/or Services that are obtained in contravention of this policy will be subject to investigation by the Municipality, following which the Municipality will take the necessary corrective action.

(d) Any employee of the Municipality who knowingly contravenes this Policy is committing a serious act of misconduct and may result in disciplinary action up to and including termination.

39 Conflict of Interest

(a) Corporate accounts shall not be used to make personal purchases.

(b) Every elected official, appointed officer, employee of the Municipality or member of an employee's family is expressly prohibited from accepting, directly or indirectly, from any person, company, firm or corporation to which any purchase order, contract is, or might be awarded, any rebate, gift or money, except:

(i) token gestures or moderate hospitality during the normal course of business that would not significantly exceed what the Municipality, through the employee's expenses account, would likely provide in return and would not be perceived by others as influencing the making of a business decision.

(d) All elected officials shall comply with the *Municipal Conflict of Interest Act, RSO 1990, cM.50* and the Municipal Code of Conduct for Council. All officers or employees of the Municipality shall declare all conflicts of interest or pecuniary interest to the CAO or Council and shall have no involvement in a Bid Solicitation process where a real or perceived Conflict of Interest has been found or deemed to exist, including, but not limited to:

(i) requesting the Goods and/or Services, setting the parameters of the Purchase, evaluating Bids or recommending, deciding or making Awards;

(ii) direct contact with those making those Purchasing decisions 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.

40 Severability

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

Procurement and Asset Disposal Policy Schedule "A"

Goods and Services **exempt** from provisions of the Purchasing Policy.

Petty Cash Items

- (a) Upset limit of \$200.00

Training and Education

- (a) Conferences, conventions, courses and seminars
- (b) Memberships
- (c) Magazines, subscriptions, books, periodicals
- (d) Staff Development

Reimbursable Expenses

- (a) Meal allowances
- (b) Travel and Hotel accommodation
- (c) Mileage
- (d) Parking expenses
- (e) Miscellaneous – non travel expenses

General Expenses

- (a) Payroll deduction remittances
- (b) Payment for employment
- (c) Medical
- (d) Licenses (vehicles, elevators, radios, etc.)
- (e) Debenture and loan payments
- (f) Insurance Premiums
- (g) Grants / Donations to Agencies
- (h) Petty Cash Replenishment
- (i) Damage Claims
- (j) Legal and insurance settlements
- (k) Legal fees and other professional services related to a legal matter
- (l) Tax remittances
- (m) Postage

Utilities (monthly charges)

- (a) Water and sewer charges
- (b) Hydro charges
- (c) Internet connectivity charges
- (d) Cable television charges

- (e) Natural or propane gas
- (f) Telephone / Communication

Professional and Special Services

- (a) Committee Fees
- (b) Advertising
- (c) Fees for professional legal, human resources or related expert services
- (d) Payments that are subject to Cost Sharing Service Agreements
- (e) Honorariums
- (f) Banking services and charges
- (g) Ongoing maintenance and software licencing agreements for equipment such as computer hardware and software, telecommunications equipment, elevators, and HVAC equipment.

Any purchase of goods or services specifically authorized by resolution which waives the purchasing policy.

**Procurement and Asset Disposal Policy
Schedule "B"**

ACTIONS FOR IRREGULARITIES CONTAINED IN BIDS

No.	<u>IRREGULARITY</u>	<u>ACTION</u>
General		
1	Late bids	Automatic rejection. Return unopened to the bidder after date stamping, initial and witnessed
2	Unsealed Envelopes.	Automatic rejection.
3	Failure to attend mandatory site visit (if required).	Automatic rejection.
4	Company submitting a bid has been disqualified from participating in a competition during the time of the competition request because of past working reputation with the municipality.	Automatic rejection.
Bid Document - Execution		
5	Bids completed in erasable medium.	Automatic rejection.
6	Signature of representative authorized to bind the Supplier missing or incomplete on the prescribed form which is to be submitted in response to a Bid Solicitation.	Automatic rejection.
7	Prescribed bid document form missing or incomplete or illegible	Automatic rejection
8	Signature of witness, if required, missing or incomplete.	Two (2) working days* to correct, otherwise automatic rejection.
9	Date of Bid missing or incomplete.	Two working days* to correct, otherwise automatic rejection or, if stated in the Bid Solicitation, automatic rejection.
Insufficient Financial Security		
10	No Bid Deposit, uncertified cheque, or financial security not an original (eg. A photocopy or facsimile of a financial security).	Automatic rejection.
11	Amount of financial security is insufficient.	Automatic rejection, unless in the opinion of the Department Head the insufficiency in the financial security is trivial or insignificant.
12	Name , signature, or seal of bonding company is missing or incomplete.	Automatic rejection.

No.	<u>IRREGULARITY</u>	<u>ACTION</u>
13	Failure to provide a letter of agreement to bond (if required).	Automatic rejection.
Other		
14	Incomplete, illegible or obscure Bids or Bids which contain information not called for, erasures, overwriting or strike outs (not initialed).	Two (2) working days* to correct to the satisfaction of the Department Head, otherwise automatic rejection.
15	Document, in which all necessary Addenda have not been acknowledged.	Two (2) working days* to confirm Bid to the satisfaction of the Department Head, if stated in the Bid Solicitation, automatic rejection.
16	Bid received on documents other than those provided in the Bid Solicitation.	Automatic rejection, unless allowed for in the Bid Solicitation.
17	Mathematical errors.	<p>Unless otherwise stated in the Bid, the unit price shall prevail and the total Bid price shall be adjusted accordingly.</p> <p>Two (2) working days* to initial the corrections as made by the Corporation.</p> <p>The Corporation reserves the right to waive initialing and accept Bid as corrected.</p>
18	Qualified Bids (Bids qualified or restricted by an attached statement).	Automatic rejection.
19	Bids containing minor obvious clerical errors.	Two (2) working days* to confirm Bid to the satisfaction of the Department Head.
20	Any other irregularities.	CAO or designate shall have authority to waive other irregularities or grant two (2) working days* to initial such other irregularities considered to be minor.
21	Alternate items bid in whole or in part.	Available for further consideration only if the request document invites alternative goods.

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

**Procurement and Asset Disposal Policy
Schedule "C"**

Value	Purchasing Method	In Budget	Approval Required				
			MS	Dept Head	Treasurer	CAO	Council
up to \$5,000	Direct Purchase	Yes	√				
\$5,001 to \$10,000	Direct Purchase	Yes		√			
\$10,001 - \$25,000	Informal Quote	Yes		√			
		No				√	
	Request For Proposal	Yes		√			
		No					√
\$10,001 - \$50,000	Single Source	Yes		√		√	
		No					√
	Negotiations	Yes		√		√	
		No					√
\$25,001 - \$50,000	Request For Quotation	Yes		√		√	
		No					√
	Request For Proposal	Yes		√		√	
		No					√
\$50,001 - \$100,000	Request For Tender	Yes		√	√	√	
		No					√
	Request For Proposal	Yes		√	√	√	
		No					√
	Single Source	Yes		√	√	√	
		No					√
Negotiations	Yes		√	√	√		
	No					√	
> \$100,000	Request For Tender	Yes					√
		No					√
	Request For Proposal	Yes					√
		No					√
	Single Source	Yes					√
		No					√
Negotiations	Yes					√	
	No					√	
< \$50,000	Special Circumstances	No		√			
> \$50,001		No				√	

**Procurement & Asset Disposal Policy
Schedule “D”**

Vendor Performance Report

Vendor Scorecard Guidelines

Using the rated legend provided, provide a score for each question from 0-5.

- 0 – Did not meet expectations
- 1 – Consistently fell far below expectations
- 2 – Frequently missed expectations
- 3 – Mostly met expectations but sometimes missed expectations
- 4 – Consistently met expectations
- 5 – Exceeded expectations

1 – Quality

1.1 Deliverables

Rate the Vendor’s performance in accordance with the Bid Specification’s Scope of Services and Deliverables and compliance with any applicable standards (e.g. Accessibility (AODA), GO-ITS Standards, ITIL, PMBoK, SDLC, etc.).

Criteria to score question:

- i. Did the Vendor have a good understanding of the Assignment requirements (e.g. scope of Services, Deliverables, appropriate resource allocation and required timelines?)
- ii. Did the Vendor provide the Deliverables as and when described in the Bid Specification and comply with any applicable standards (e.g. Accessibility (AODA), GO-ITS Standards, ITIL, PMBoK, SDLC etc.) as defined in the Bid Specification?
- iii. Did the Vendor follow up to ensure deficiencies identified in the Deliverables were addressed?

1.2 Competency

Rate the competency (knowledge/expertise) of the Vendor's Personnel that provided the Services.

Criteria to score question:

- i. Did the Vendor's Personnel have the appropriate knowledge/expertise to provide the Services/Deliverables required in the Bid Specification?
 - ii. Was the Vendor's Personnel effective in managing and delivering the Assignment deliverables?
 - iii. Did the Vendor's Personnel advise you of any required adjustments to budget and/or schedule as a result of changes requested by you, in a timely manner?
 - iv. Did the Vendor's Personnel have the appropriate skills and knowledge to have a positive impact on the success of the Assignment?
-

1.3 Schedule

Rate the Vendor's ability to meet the delivery commitments based on the approved assignment/deliverable schedule.

Criteria to score question:

- i. Did the Vendor perform the Services and deliver the Deliverables as set out in the Bid Specification within the timelines set out in the Bid Specification?
 - ii. Did the Vendor provide findings within a reasonable time on claims, disputes and other matters relating to execution or performance for the Services/Deliverables provided?
 - iii. Did the Vendor's Personnel provide regular Assignment status updates (e.g. weekly meetings, timesheets) as per the requirements of the Bid Specification?
 - iv. Did the Vendor provide qualified Personnel on time to begin the Assignment?
-

1.4 Knowledge Transfer

Rate the Vendor's ability to facilitate knowledge transfer to you or your staff.

Criteria to score question:

- i. Did the Vendor's Personnel provide successful knowledge transfer (e.g. reports, training, user manual/documents, mentoring) to you or your staff?

2 – Relationship Management

2.1 Management Capabilities

Rate the Vendor's management capability in terms of issue identification, solution development and issue resolution.

Criteria to score question:

- i. Was the Vendor proactive at identifying, addressing and resolving any Assignment issues per the Bid Specification Deliverables?
 - ii. Did the Vendor work together with you to resolve issues?
 - iii. Did the Vendor leverage lessons learned throughout the term of the Bid Specification to enable more effective and efficient delivery?
-

2.2 Continuity of Personnel

Rate the Vendor's ability to provide continuity of qualified Vendor's Personnel assigned for the duration of the Assignment.

Criteria to score question:

- i. Did the Vendor provide a continuity of Personnel for the duration of Assignment?
 - ii. Did the Vendor provide adequate notice to you, with reasonable promptness, if there was an interruption in the continuous availability of Vendor Personnel?
 - iii. If applicable, did the Vendor ensure successful knowledge transfer to any replacement Personnel?
-

2.3 Vendor Relations

Rate the Vendor's ability to work well with your staff, management and stakeholders.

Criteria to score question:

- i. Did the Vendor maintain communication and foster collaboration with you and your team member/staff/stakeholders?
- ii. Did the Vendor communicate any issues along with a proposed action plan for mitigating delays?
- iii. Did the Vendor maintain ongoing/two-way communication with the Vendor Personnel and you and your staff?

- iv. If performance issues were identified, did the Vendor demonstrate measurable continuous improvement over the term of the Bid Specification?
-

3 – Value for Money

3.1 Cost for Service Received

Rate the performance of the Vendor relative to the Bid Specification cost for the Services/Deliverables received.

Criteria to score question:

- i. Did the Vendor deliver the Services within your established budget and service standards?
 - ii. Did the Vendor produce complete, accurate deliverables as defined in the Bid Specification, resulting in no or minimal change orders initiated by the Vendor?
 - iii. Did the Vendor identify and implement any innovative ideas and advice that resulted in greater value for money?
 - iv. Did the Vendor propose any cost saving measures that were implemented on the Assignment?
-

4 – Overall Satisfaction

4.1 The average of all the above scores will result in an overall satisfaction of this Vendor's Performance from 0 to 5.

**Procurement & Asset Disposal Policy
Schedule "D"**

Vendor Performance Report

Vendor Scorecard

Vendor Name: _____

Project Name: _____

	Evaluation Date #1	Evaluation Date #2 (Optional)
1 – Quality		
Deliverables		
Competency		
Schedule		
Knowledge Transfer		
2 – Relationship Management		
Management Capabilities		
Continuity of Personnel		
Vendor Relations		
3 – Value for Money		
Cost for Service Received		
4 – Overall Satisfaction (Total)		
Average of all above scores		