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Purchasing and Procurement

1. PURPOSE

An open and transparent procurement process shall be maintained that is fair and impartial, and subject to certain exceptions where indicated within this policy.

2. OBJECTIVES

The objective of this Policy is to promote purchasing processes and decisions which are consistent with the strategic objectives of the Library using cooperative purchasing where beneficial. The principles which the Library advocates include:

- 2.1. To be responsible for the acquisition and disposal of goods and/or services required by the Library
 - 2.2. To encourage fair and open competition among suppliers
 - 2.3. To ensure openness, accountability and transparency while protecting the financial best interests of the Brampton Public Library Board and the City of Brampton
 - 2.4. To promote the most cost effective and efficient use of Library funds by attaining optimum quality, quantity, price, delivery and performance
 - 2.5. To exercise professional purchasing practices which obtain the most competitive offers from the most responsible and responsive vendors
 - 2.6. To promote the acceptance of bids based on the Total Acquisition Costs rather than the lowest bid received, wherever possible
 - 2.7. To delegate the appropriate level of authority to enable the Library to meet service requirements
 - 2.8. To assess the total project cost and/or the Total Aggregate Value of the goods and/or services prior to determining the appropriate purchasing process
 - 2.9. To ensure staff who are responsible for the requisitioning and purchasing of goods and/or services are accountable for their actions and decisions
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- 2.10. In deciding to purchase goods or services through the procurement process, the Board shall have regard to accessibility for persons with disabilities
- 2.11. To have regard to accessibility for persons with disabilities to Goods, Services, and Construction purchased by Brampton Library in compliance with the Ontarians with Disabilities Act

3. SCOPE

This policy applies to the procurement of goods, services and construction for the Brampton Library. This policy is in line with the City's policy.

4. DEFINITIONS

- 4.1. **Authority** - the legal right to conduct the tasks outlined in this policy as directed by the CEO to the Director, Business Management and Operations
- 4.2. **Bid** - an offer in writing to supply certain specified goods, services or construction, at a certain price or prices, in a competitive Procurement Process and shall include both proposals in response to a Request for Proposals and Tenders in response to a call for Tenders
- 4.3. **Bidder** - any proponent, respondent or other person or entity who has obtained official procurement documents for the purpose of submitting or who has submitted a Bid in response to a Procurement Process
- 4.4. **Buying Group** - a group of two or more members which combines the Purchasing requirements and activities of the members of the group into one joint Procurement Process. Buying Groups include cooperative arrangements in which individual members administer the procurement function for specific Contracts for the group, and more formal corporate arrangements in which the Buying Group administers procurement for group members. Buying Groups may involve a variety of entities, including public sector, private sector and not-for-profit organizations.
- 4.5. **Blanket Purchase Order** - any contract for the purchase of goods and/or services which will be required frequently or repetitively but where the exact quantity of the goods and/or services required may not be precisely known, or the time period during which the goods and/or services are to be provided may not be precisely determined, but having a maximum on both the total price or value of all goods and/or services and the time period during which all goods and/or services are to be supplied under such contract
- 4.6. **Board** - the Brampton Public Library Board
- 4.7. **City** - Corporation of the City of Brampton

- 4.8. Commitment Authority** - multi-year supply and/or service contracts/leases, the expenditure limits shall apply to the estimated annual expenditure under the contract
- 4.9. Confidentiality** - all information of the Library that is confidential in nature, including all Confidential Information in the custody or control of the Library, regardless of whether it is identified as confidential or not, and whether recorded or not, and however fixed, stored, expressed or embodied. For greater certainty, Confidential Information shall include:
- 4.9.1.** All new information derived at any time from any such information whether created by the Library or a Vendor or any third party
- 4.9.2.** All information considered by Board in Executive Session (In-Camera)
- 4.10.** All information (including personal information) that the Library is obliged, or has the discretion, not to disclose under provincial or federal legislation or otherwise
- 4.11. Construction** - a construction, reconstruction, demolition, repair or renovation of a building, structure or other civil engineering or architectural work and includes site preparation, excavation, drilling, and the installation and repair of fixtures of a building, structure or other civil engineering design or architectural work, but does not include professional services related to the construction contract unless they are included in the specifications for the procurement
- 4.12. Consulting Services** - the provision of expertise or strategic advice that is presented for consideration and decision-making. Consulting Services do not include services in which the physical component of an activity would exceed the advisory services component (e.g. services for the operation and maintenance of a facility; temporary help services; training/education instructors and photography)
- 4.13. Contract** - a formal legal agreement between two or more parties, usually written, or a Purchase Order with binding legal and moral implications whereby goods and/or services are exchanged for money or other considerations
- 4.14. Contract Extension** - an amendment to a Contract which has the effect of increasing the value of the Contract in funds, increasing the scope of work and/or extending the term of the Contract
- 4.15. Direct Negotiation** - means a procurement method where there is no competitive process and negotiations are entered into with one or more than one Vendor, but do not include negotiations conducted as part of a negotiated Procurement Process
- 4.16. Director** - the individual accountable for a service unit and a member of the Senior Management Team or designate

- 4.17. Director, Business Management and Operations (BMO)** - the person responsible for the purchasing and materials management function of the Library or designate
- 4.18. Direct (Emergency) Purchase** - a procurement process where the usual competitive process is suspended due to the prevailing emergency circumstances. See definition of emergency.
- 4.19. Disposal** - the sale, exchange, transfer, destruction or gift of goods owned by the Library which are deemed surplus to its needs, and “dispose” and “disposed” shall have similar meanings
- 4.20. Emergency** - a situation where the immediate purchase of goods and/or service or repair or replacement of equipment, or facilities is essential in order to maintain a required service or to prevent danger to life, limb or property within the Brampton Library. This may also include procurement necessary for fulfilling a statutory order issued by a federal or provincial authority, such as an environmental, public health, or workplace safety compliance order.
- 4.21. Expression of Interest** - a situation where vendor(s) approach the Library or are solicited by the Library to advise the Library of their ability or desire to undertake Library requirements
- 4.22. Goods** - all materials, equipment, fixtures, and structures to be delivered, installed or constructed
- 4.23. Non-Standard Result** - a result in a procurement in which Bids are submitted and any of the following has occurred or is likely to occur:
- 4.23.1.** No Eligible Bids are received
 - 4.23.2.** Less than 3 Eligible Bids are received
 - 4.23.3.** For any reason the award of the contract to or the purchase from the lowest responsible and responsive vendor is considered inappropriate
- 4.24. Procurement Process** - the process by which the required goods and/or services are obtained. A charge/membership card may be used by authorized employees.
- 4.25. Purchase** - the act of acquiring goods and/or services of any legal or equitable interest, right or title in goods and/or services or the making of any contract or offer for goods and services and includes the lease of goods and/or services; and “purchased”, “purchasing”, “acquisition”, “procurement”, “procure”, “buy” shall have similar meaning
- 4.26. Purchase Order** - the legal document which is the Library’s commitment to the Vendor for the purchase of goods and/or services at an agreed upon price, terms, conditions and

delivery date. It is also the vendor's authority to ship and charge for the goods and/or services specified on the order.

- 4.27. Relative** – includes but is not limited to a spouse (including common law spouse), parent, child, brother, sister, brother-in-law, sister-in-law, grandparent, grandchild, nephew, niece, uncle or aunt of an employee
- 4.28. Request for Information (RFI)** - a Procurement Process where information is requested from vendors regarding the feasibility and availability of goods and/or services in the marketplace. A Request for Information is used for future budgeting and/or planning.
- 4.29. Request for Proposal (RFP)** - a Procurement Process where a need is identified, but how it will be achieved is not prescribed by the Library at the outset. This process allows Vendors to propose solutions or methods to arrive at the end product and it allows for evaluation on criteria in addition to price.
- 4.30. Request for Quotations (RFQ)** - a Procurement Process where prices on specific goods, services or construction are requested from selected Vendors, which are submitted in writing, transmitted by facsimile or by email as specified in the RFQ
- 4.31. Responsible** - a vendor whose reputation, past performance, business and financial capabilities are such that the vendor would be judged as capable of satisfying the Library's needs for a specific contract
- 4.32. Responsive** - a vendor whose bid does not vary from the specifications and terms and conditions set out in the invitation for bids
- 4.33. Requisition** - a request for goods and/or services initiated by the user, approved and sent to Corporate Services
- 4.34. Services** - all professional, consulting, construction, or maintenance services, including the delivery, installation, repair, restoration, demolition or removal of personal property and real property
- 4.35. Single Source** - engaging in Direct Negotiations with a Vendor to provide goods, services or construction where there is more than one Vendor capable of supplying the goods, services or construction in the market, but the circumstances fit into one of the Exceptions detailed in Schedule A – Hiring of Consultants, Professional Services and/or Architects.
- 4.36. Sole Source** - engaging in Direct Negotiations with a Vendor to provide goods, services or construction where only one Vendor is able to meet the requirements of the procurement under one of the circumstances set out in Schedule B – Exceptions From Competitive Procurement Circumstances for Sole Supplier Procurement.

- 4.37. **Tender** - an offer in writing to execute some specified services or to supply certain specific goods at a certain price in response to a publicly advertised request for bids
- 4.38. **Tender Opening Committee** - a committee comprised of a representative(s) from Corporate Services or delegate, and the requesting unit of service. Corporate Services to facilitate the public opening of bids
- 4.39. **Total Acquisition Cost** - the most cost efficient and effective manner, being the sum of all costs including but not limited to purchase price, warranty, life cycle cost, administrative, taxes, operating and disposal costs
- 4.40. **Total Aggregate Value** - the sum of all costs that are paid for goods and services required to satisfy a need over a period of time
- 4.41. **Total Procurement Value** - the total estimated cost and Conferred Value as determined by the requisition Director, Business Management and Operations for the Procurement of the particular goods, services, or construction, exclusive of taxes
- 4.42. **Vendor** - an individual or organization that may offer goods, services or construction to the Library including but not limited to contractors, consultants, suppliers and service organizations

5. AUTHORITY OF THE DIRECTOR, BUSINESS MANAGEMENT AND OPERATIONS

The Director, Business Management and Operations, acting on behalf of or in consultation with other Directors, shall authorize the issuance of Requests for Information, Quotes, Proposals and Tenders and any contractual commitments in accordance with this Policy.

6. RESPONSIBILITY OF THE DIRECTOR, BUSINESS MANAGEMENT AND OPERATIONS AND OF THE SENIOR MANAGEMENT TEAM

- 6.1. Will provide leadership, quality customer service and best value to the taxpayers of the City through the provision of open, fair, equitable, accessible and competitive procurement processes
- 6.2. Is committed to timely, efficient service delivery while developing and maintaining good client relations through consultation and cooperation, and the promotion of both internal and external partnerships
- 6.3. Will promote standardization, education and share knowledge of products and market conditions while seeking innovative solutions
- 6.4. Will provide the appropriate level of delegated authority

- 6.5.** May remove a vendor from consideration for contracts under this Policy on the basis of poor performance or non-performance on a Library contract. Success will be measured by Corporate Services ability to respond to the needs and issues in a courteous, expedient and professional manner while at the same time ensuring that the Library's interests are being served. It is also incumbent upon Corporate Services to ensure the best value to the taxpayers.

7. RESPONSIBILITY OF THE DIRECTORS

The Director (of a service unit) is responsible for the delegation of authority to designated staff under this Policy. When the process is non-compliant with this Policy, the Director is required to obtain the written approval of the CEO and forward such approval to Corporate Services authorizing Corporate Services, in consultation with the Director, to complete the acquisition process.

- 7.1.** All goods and/or services required by the Library, save and except only those goods and/or services, listed in Appendix "B" attached, shall be purchased and disposed of in accordance with the provisions of this Policy unless:
- 7.1.1.** the Brampton Public Library Board by resolution directs that any particular purchase or disposal of goods and/or services shall be carried out in some other manner or
 - 7.1.2.** any applicable law of the Province of Ontario or the Dominion of Canada requires that the purchase or disposal of goods and/or equipment be carried out in some other manner
- 7.2.** Where the circumstances mentioned in subsection a) or b) occur, the purchase or disposal of those goods and/or services shall be carried out in accordance with the resolution or the applicable law, as the case may be and the provisions of this Policy shall in all other regards continue to apply to such purchase or disposal with all necessary modifications.
- 7.3.** The Director, Business Management and Operations in consultation with other Directors, is authorized to prescribe procedures consistent with this Policy and the objectives set out in Item 5.0 regarding:
- 7.3.1.** the form, content and use of forms, whether electronic or printed, purchase orders, bonds, letters of credit and other forms of guarantees or surety, tendering, proposals and other contract documents
 - 7.3.2.** method of acquisition or disposal which will more effectively achieve the objectives of the Policy, where alternative methods are permitted and the process to be followed in the issuing, receipt and evaluation of quotes, tenders, proposals and other submissions

7.3.3. any other aspects of the process or procedure not specifically provided for under this Policy

8. GENERAL AUTHORITY

- 8.1.** The purchase of goods, services or construction having a Total Procurement Value in excess of the amounts as set out in Section 10.4 of this Policy, exclusive of taxes shall not be authorized unless:
- 8.1.1.** The required goods, services and construction have been requisitioned in accordance with this Policy and any applicable prescribed policies and procedures
 - 8.1.2.** The form and content of all documents forming any part of the Contract including, but not limited to, Purchase Order, Quotation, Tender or Proposal documents, form of agreement, special provisions, terms and conditions, insurance, performance security, and any other relevant documents have been reviewed and approved by the Director, Business Management and Operations
 - 8.1.3.** The Procurement has been approved by the appropriate level of authority as detailed in this Policy
- 8.2.** Where any goods and/or services are to be delivered confidentially, the Chief Executive Officer may act as the agent and provide the necessary advice and services, which would otherwise be provided by Corporate Services.
- 8.3.** Where the purchase of goods and/or services has been authorized in accordance with this Policy, the purchase order forming all or part of the contract to purchase may be executed on behalf of the Library by:
- 8.3.1.** the Director, Business Management and Operations
 - 8.3.2.** an employee in Corporate Services authorized by the Director, Business Management and Operations
 - 8.3.3.** any employee authorized to do so under an approved delegation of authority by the Chief Executive Officer
- 8.4.** Where a contract has been awarded to a Bidder and the Bidder fails or refuses to enter into the Contract, the Director, Business Management and Operations is authorized to proceed with the acceptance of the next ranked Eligible Bid provided that the requirements remain substantially unchanged and the next lowest Eligible Bid is within the specific procurement budget.
- 8.5.** If the Procurement Process fails to result in a Contract, the Director, Business Management and Operations may cancel the procurement and commence a new

procurement utilizing the most appropriate Procurement Process as determined by the Director, Business Management and Operations in consultation with the requisitioning Director(s).

9. PROCUREMENT PROCESS

- 9.1. There are different procurement methods available for procuring goods, services and construction, the selection of which will depend on the value of the goods, services and construction, the type of goods, services and construction and the complexity/risk of the procurement.
- 9.2. Unless otherwise provided in this Policy, all goods, services and construction having a price or value within each of the dollar ranges set out in this Policy, shall be purchased using one of the procurement methods listed and shall be conducted in accordance with the requirements of the specific procurement method used.
- 9.3. Notwithstanding the requirements of a particular category described in Section 9, the Director, Business Management and Operations may prescribe that a more rigorous procurement method described in the Policy, be utilized.
- 9.4. Some purchases and/or capital building projects may be coordinated through the City of Brampton, in which case the City of Brampton's Purchasing By-law may be utilized.
- 9.5. **Direct Purchases up to \$5,000.00**
 - 9.5.1. The acquisition of goods and/or services having a value of up to \$4,999.99 excluding taxes do not require a purchase order but must adhere to this policy.
 - 9.5.2. For the acquisition of goods and/or services having a value up to \$5,000.00 per transaction excluding taxes or a lesser amount as determined by the Director, which are not covered by a blanket purchase order can be carried out by the requisitioning Director in accordance with Library Policies. Prices may be obtained verbally from a vendor, which is proven, in a competitive situation, to offer the most favourable price consistent with reliability, delivery and service requirement. The Director, Business Management and Operations may obtain competitive pricing, at their sole discretion.
- 9.6. **Informal Quotation Process (\$5,000.01 - \$49,999.99)**
 - 9.6.1. Requirements \$5,000.00 to \$49,999.99
 - 9.6.1.1. The acquisition of goods and/or services with an estimated value greater than \$5,000.00 excluding taxes and less than \$49,999.99 excluding taxes shall be obtained using a competitive process.

9.6.1.2. The procurement method may be administered by the requisitioning department or by the Director, Business Management and Operations, requesting if possible: 3 quotes from vendors known to provide the required goods or services; selection of solicited Vendors from the City's Official Vendor File; or selection of a vendor from any registered shared services organization.

9.6.1.3. The service unit, in consultation with Corporate Services, shall prepare a report, accompanied by the supporting documentation indicating the selected vendor. Corporate Services will review the supporting documentation for completeness and compliance with this Purchasing Policy and take appropriate action.

9.7. Formal Quotation Process (\$50,000.01 - \$99,999.99)

9.7.1. The acquisition of goods and/or services with an estimated value greater than \$50,000.01 and less than \$99,999.99 excluding taxes shall be obtained using a competitive process.

9.7.2. At least three (3) written sealed quotes must be received on or before the specified closing date and time and will be opened by Corporate Services and a service unit representative(s).

9.7.3. All bids will be evaluated and approved in consultation with Corporate Services and the requisitioning Director. Corporate Services shall prepare a report indicating the selected vendor for purchase order issuance or other appropriate action.

9.7.4. In the case where goods are being purchased, the procurement method may be administered by the requisitioning department with the Director, Business Management and Operations, requesting 3 quotes from a vendor known to provide the required goods or services; selection of solicited Vendors from the City's Official Vendor File; or selection of a vendor from any registered shared services organization.

9.8. Tender Process (\$100,000.00 AND OVER)

9.8.1. The acquisition of goods and/or services with an estimated value greater than \$100,000.00 excluding taxes shall be obtained using a competitive process and may require vendor pre-qualification.

9.8.2. The requirement may be advertised for a reasonable period of time based on the complexity of the specific procurement and at a minimum no less than fifteen (15) calendar days prior to the specified closing date and time, in/on:

9.8.2.1. At least one local newspaper

9.8.2.2. At least one internet bidding service

9.8.3. All bids will be sealed and received on or before the specified closing date and time, and may be opened in public by the Tender Opening Committee. All bids will be evaluated and approved in consultation with Corporate Services and the requisitioning Director. The Bid with the highest score or lowest price in the case of a purchase order will be presented to the Board. The Director, Business Management and Operations and the requisitioning Director will prepare a report to the Board recommending an award or other appropriate action.

9.9. Approvals

9.9.1. A purchase approval report shall be prepared by the Director, Business Management and Operations and presented to the Board for approval.

9.9.2. For tenders that do not require Board approval the Director, Business Management and Operations shall issue a report as required, to the Board regarding these awards, for information only.

9.9.3. Unsolicited proposals received by the Library shall be reviewed by the Director, Business Management and Operations to determine if it is in the best interests of the Library to follow a competitive process or Sole Source requirement as outlined in this policy.

9.10. Request for Proposal

9.10.1. In addition to the processes described in this Policy, a Request For Proposals:

9.10.1.1. May or may not have a preceding pre-qualification or an expression of interest

9.10.1.2. Has the most flexibility and will generally be governed by the terms of reference of the Request for Proposal as developed by the Library

9.10.1.3. Depending on its terms, may involve negotiations subsequent to the submission of proposals on any or all of the specifications, Contract terms and prices

9.10.1.4. Approvals under this section shall be in accordance with the applicable Total Procurement Values as set out in Section 9

9.11. Consulting, Professional Services and/or Architects

9.11.1. The acquisition of professional consultants and/or architectural services shall be carried out in accordance with the "Hiring of Consultants and/or Architects." (Appendix A)

9.11.1.1. The acquisition of Consulting Services and professional services shall be carried out in accordance with the processes described in this policy.

9.11.1.2. The procurement of the services of architects and engineers may be conducted by invitation only and without the requirement to publicly advertise.

9.12. Direct (Emergency) Purchase Order Process

The Direct (Emergency) Purchase Order Process may be used for any dollar value, when the acquisition of any goods and/or services is deemed an emergency, or when the requesting Director requests of the CEO the procurement process outlined in this Policy be suspended (see section 7). This process is undertaken at the sole discretion of the requesting Director, who will provide written justification to the Director, Business Management and Operations, indicating why the prescribed procurement process was not followed. The Director, Business Management and Operations shall report monthly to each Director the previous month's Direct (Emergency) purchases. For all transactions, the Director, Business Management and Operations and the Chief Executive Officer will receive the report including justification of each emergency.

9.12.1. The Director, Business Management and Operations or Director are authorized to use the Direct (Emergency) Procurement method for any dollar value where an unforeseeable, serious Emergency situation exists and the goods, services or construction cannot be obtained in time by means of an open competitive procurement method

9.12.2. This procurement method is undertaken at the sole discretion of the Director, Business Management and Operations or Directors

9.12.3. Within sixty (60) days of the conclusion of the Emergency situation, the staff person who initiated the procurement will provide a written report to the CEO to explain the requirement for using this method of procurement (where the amount of the procurement exceeds \$5,000 exclusive of taxes)

9.13. Direct Negotiated Process

Unless otherwise provided in this Policy, the Director, Business Management and Operations, in consultation with the Director, may enter into negotiations with one or more vendors for the supply of goods and/or services when any of the following conditions apply:

9.13.1. the goods and/or services are deemed necessary by the Director as a result of an emergency which would not reasonably permit the use of any other prescribed procurement process

9.13.2. no bids are received on a formal quotation, tender or request for proposal call

- 9.13.3. the extension or reinstatement of an existing contract would prove more cost effective or beneficial
- 9.13.4. bids have been solicited using one of the procurement processes with all bids received being non responsive or responsible
- 9.13.5. the lowest bid received exceeds the approved budget and it is impractical to recall
- 9.13.6. goods and /or services are available from a single or sole source as defined in Section 3.41 and Section 3.42
- 9.13.7. goods are required for resale and the determining criteria is marketability and profitability as determined by the service unit when costs are recovered through sales

9.14. Contract Extensions

Corporate Services shall notify the managers at least 120 days prior to the actual expiring date of a contract. Corporate Services, in consultation with the Director, shall commence to acquire the goods/services by the appropriate procurement method, or otherwise arrange for a contract extension in accordance with the Policy. In order to constitute a valid contract extension, Corporate Services in consultation with the service unit shall consider the following points prior to initiating an extension:

- 9.14.1. Would it be cost effective or beneficial
- 9.14.2. What are the current market conditions
- 9.14.3. Have any new companies expressed an interest in bidding the requirement
- 9.14.4. Previous performance of the vendor
- 9.14.5. Are there revisions to the specifications/ quantity/ terms and conditions beyond 10% of the original scope
- 9.14.6. Number of previous extensions
- 9.14.7. Are the best interest of the Library being served
- 9.14.8. Terms of the contract includes the option for a contract extension

9.15. Request for Information Process

The process when information is requested from vendors regarding the feasibility and availability of specific goods and/or services in the market place. This process can be used for any dollar value, and can also be used as a means of pre-qualification wherein information is

requested regarding specific products or services, company profile, qualifications, etc. Based on the information received, the Library may solicit quotations, tenders or proposals consistent with the procedures prescribed in this Policy, at which time prices would be requested.

9.16. Request for Quotations Process

A procurement process where prices on specific goods, services or construction are requested from selected Vendors. This process can be used for any procurement between \$5,000 and \$99,999.99, and can be used as a means to determine the successful vendor or as a pre-qualification for tenders or proposals. Requests must be submitted in writing and transmitted by facsimile or email as specified in the Request for Quotation.

9.17. Use of Formal Agreements

Formal agreements shall be used along with a purchase order, for complex requirements, which may contain terms and conditions other than those of the Library's standard terms and conditions.

The Director, Business Management and Operations in consultation with legal shall determine if a formal agreement is required.

Formal agreements shall be reviewed and approved for execution by the Chief Executive Officer.

When a formal agreement is required, the Director, Business Management and Operations shall issue a purchase order incorporating the formal agreement.

9.18. Tie Bids Received

In the case of tie bids the Library will determine the successful bidder by coin toss in the presence of the tied bidders and the Chief Executive Officer or their designate. This method is only to be considered when both price and value (including a bidders overall performance record) are identical.

9.19. Design and Development Service

9.19.1. Hiring the services of a Vendor to design and develop specifications shall be in accordance with this Policy.

9.19.2. Where Vendors are retained to develop specifications, the Vendor shall not be permitted to Bid on the procurement that they have developed the specifications for, unless approved in advance by the CEO or Director, Business Management and Operations.

9.20. Disposal of Surplus Goods and/or Equipment

The Director, Business Management and Operations is authorized to dispose of surplus, obsolete or non-repairable goods and equipment declared surplus to Corporate Services by using it in other Library service units or, if no longer useful for Library purposes, arrange for their disposal at the highest return using the following methods:

- 9.20.1.** scrap, dismantle or destroy, classify as waste and dispose
- 9.20.2.** donate or sell for a nominal fee to a non-profit or charitable organization
- 9.20.3.** trade-in
- 9.20.4.** sell by formal quotation or public tender
- 9.20.5.** public auction

9.21. Cooperative Purchasing

The Director, Business Management and Operations and Planning may participate with other governments, agencies or public authorities in cooperative ventures or contracts where the best interest of the Library would be served. The Library shall ensure that the practices of such Buying Groups are consistent with the principles of this Policy.

9.22. “Green” Purchasing

The Library encourages the procurement of goods, services and construction with due regard to protect natural ecosystems and resources, and the human and built communities. Vendors may be required to supply goods, services or construction made by methods resulting in the least damage to the environment, and/or supply goods, services or construction incorporating recycled materials where practical as specified in procurement documents.

10. EXCEPTIONS

- 10.1.** The Library may exclude procurement from a competitive Procurement Process in the circumstances listed in Appendix “B” (Exceptions from Competitive Procurement Circumstances for Exclusions (Single Source)) provided that the exclusion is not for the purposes of avoiding competition between Vendors or in order to discriminate against vendors in Canada.
- 10.2.** Where only one supplier is able to meet the requirements of procurement, the Library may exclude a procurement from competitive Procurement Process in the circumstances listed in Appendix “C” (Exceptions from Competitive Procurement Circumstances for Exclusions (Sole Source)) provided that the exclusion is not for the purposes of avoiding competition between Vendors or in order to discriminate against Vendors in Canada.

11. ADMINISTRATIVE PROCEDURES

The Director, Business Management and Operations shall prepare and maintain the appropriate purchasing administrative procedures to implement this Policy.

12. PROHIBITIONS AND COMPLIANCE

- 12.1.** All employees of the Library shall comply with the Financial and Policy controls meeting the audit requirements of the Library to ensure that those responsible for requisitioning and purchasing goods and/or services are held accountable for their actions and decisions.
- 12.2.** All employees of the Library shall act in a manner consistent with the objectives of the Policy. Any employee who knowingly contravenes this Policy commits an act of misconduct and therefore is liable to disciplinary action.
- 12.3.** No acquisition of goods and/or services or disposal of surplus goods, or equipment shall be made where the quantity or delivery is divided or in any other manner arranged so that the price or value of the goods and services to be acquired or disposed of is artificially reduced to circumvent the prescribed procurement process.
- 12.4.** No goods and/or services shall be requisitioned by any employee unless:
 - 12.4.1.** The goods and/or services are legitimately required for the purposes of the Library
 - 12.4.2.** The funds for the purchase of the goods and/or services are available within an approved budget or the request to purchase is expressly made subject to funding approval of the Library
- 12.5.** No goods and/or services shall be purchased from an employee, unless approved by the Chief Executive Officer.
- 12.6.** No officer or employee or any relative of that officer or employee shall be permitted to purchase any surplus goods to be disposed of except by successfully bidding on the same at a public auction or by sealed bid but in no case if the duties of that employee include making decisions regarding the disposal of such goods or activities relating to the conduct of the disposal process.
- 12.7.** Officers or employees shall not knowingly cause or permit anything to be done or communicated to anyone which is likely to cause any potential Vendor to have an unfair advantage or disadvantage in obtaining a contract for the supply of goods and/or services to the Library, or any other municipality, local board or public body involved in the purchase of goods and services either jointly or in cooperation with the Library.

12.8. No employee shall knowingly cause or permit anything to be done which will jeopardize the legal validity or fairness of any purchase and/or goods and services under this Policy which is likely to subject the Library to any claim, demand, action or proceeding as a result of such act or omission.

12.9. No officer or employee or any relative of that officer or employee shall gain or attempt to gain any personal benefit from any purchase or use of certain vendors or use of any existing library vendors for personal gain.

13. ACCOUNTABILITY

All employees are accountable to act in accordance with this Policy.

14. ADMINISTRATION

Any proposed changes should be forwarded to the Director, Business Management and Operations who will either implement the change or inform the originator why the change is not suitable.

Appendix A

HIRING OF CONSULTANTS, PROFESSIONAL SERVICES AND/OR ARCHITECTS

DEFINITION:

A "Consultant" means a vendor, who by virtue of a particular expertise, is hired by the Library to undertake a specific task or assignment that may include designing specifications and preparing plans or programs, architectural services or consulting services.

PRINCIPLE:

- Fair access to bid on Library work shall be provided to consultants and/or architects. The Library must not permit one vendor to gain a monopoly for a specific type of assignment.
- Consulting and/or architectural services shall be acquired through a competitive purchasing process, wherever possible, to ensure that best value is obtained for funds expended.

PROCEDURE:

- Service unit director must pre-qualify each consultant and/or architect.
- Pre-qualification criteria must include, but is not limited to, expertise and experience, financial stability, previous performance, ability to complete on budget and on time, personnel, etc.
- Service unit director must advise Corporate Services when the consultants and/or architects are pre-qualified.
- Corporate Services will then add the consultants and/or architects to the Library's approved vendor file.
- Pre-qualified consultants and/or architects must be used on a rotational basis, to provide all consultants and/or architects with the opportunity to bid on Library work.

\$5,000.00 TO \$50,000 (excluding taxes)

- The service unit shall develop the Terms of Reference.
- The service unit shall assist in the selection of the consultants and/or architects to be invited to submit a bid or proposal.
- A **minimum** of three (3) written bids or proposals will be requested, whenever feasible, exceptions must be approved by the Chief Executive Officer.
- The service unit will issue and receive the bids or proposals. The service unit may, at its option, request Corporate Services to perform this function.
- The service unit will evaluate the bids or proposals and will prepare an award recommendation which will be forwarded to Corporate services.
- Corporate services, upon receipt of the recommendation, will issue a purchase order to the successful vendor.

\$50,000.01 TO \$99,999.99 (excluding taxes)

- The service unit will assist in the selection of the consultants and/or architects to be invited to submit a bid or proposal and submit the vendor names to Corporate Services.
- The service unit shall develop and provide the Terms of Reference to Corporate Services.
- A **minimum** of three (3) written bids or proposals will be requested, wherever feasible, exceptions must be approved by the Chief Executive Officer.
- Corporate Services will issue, receive and open the sealed bids or proposals.
- Corporate Services will forward the received bids or proposals to the service unit for evaluation.
- The award recommendation will be determined by the service unit in consultation with Corporate Services and approved by the Chief Executive Officer.
- Upon receipt of the recommendation, Corporate Services will take appropriate action.

\$100,000.00 AND OVER (excluding taxes)

- The service unit will assist in the selection of the consultants and/or architects to be invited to submit a bid or proposal and submit the Vendor names to Corporate Services.
- The service unit shall develop and provide the Terms of Reference.
- A **minimum** of three (3) written bids or proposals will be requested by Corporate Services; exceptions must be approved by the Chief Executive Officer.
- Corporate Services will issue, and receive the sealed bids or proposals.
- The sealed bids or proposals will be opened by the Tender Opening Committee.
- Corporate Services will forward the received bids or proposals to the service unit for evaluation.
- The award recommendation will be determined by Corporate Services in consultation with the service unit.
- A report to the Board will be prepared by the Director, Business Management and Operations and the requisitioning Manager, recommending an award or other appropriate action, the Board will review the report.
- Upon receipt of the Board resolution, and their approval of the recommended vendor, Corporate Services will arrange for contract execution.

Appendix B

Exceptions from Competitive Procurement Circumstances for Exclusions (Single Source)

“Single Source” means engaging in Direct Negotiations with a Vendor to provide goods, services or construction where there is more than one Vendor capable of supplying the goods, services or construction in the market.

The following are the exceptions from a competitive Procurement Process under this Policy, but remain subject to the requirements of the Direct Negotiations Process Section 10.1 of the Policy:

1. Where an unforeseeable, serious Emergency situation exists **and** the goods, services or construction cannot be obtained in time by means of open procurement procedures;
2. Where goods and services regarding matters of a confidential or privileged nature are to be purchased and the disclosure of those matters through an open tendering process could reasonably be expected to compromise the Library’s confidentiality, cause economic disruption or otherwise be contrary to the public interest;
3. Where a Contract is to be awarded under a cooperation agreement, in whole or in part, only to the extent that the agreement between the Library and the Buying Group includes rules for awarding Contracts that differ from the obligations set out in this Policy;
4. Where compliance with the open tendering provisions set out in this Policy would interfere with the Library’s ability to maintain security or order or to protect human life or health; and/or
5. In the absence of a receipt of any Bids in response to a call for Tenders made in accordance with this Policy.

The Director, Business Management and Operations is authorized to update this schedule as and when required as it relates to the *Canada Free Trade Agreement* and the *Trade and Cooperation Agreement Between Ontario and Quebec* and any other federal or provincial legislation or agreements that are or become applicable to the Library.

Appendix C

Exceptions from Competitive Procurement Circumstances for Sole Supplier Procurement (Sole Source)

“Sole Source” means engaging in Direct Negotiations with a Vendor to provide goods, services or construction where there is only one Vendor is able to meet the requirements of the procurement.

The following are the exceptions from a competitive Procurement Process under this Policy, but remain subject to the requirements of the Direct Negotiations Process Section 10.2 of the Policy:

1. To ensure compatibility with existing products, services and construction, 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 representative;
2. Where there is an absence of competition for technical reasons and the goods or services can be supplied only by a particular Vendor and no alternative or substitute exists;
3. For the procurement of goods or services the supply of which is controlled by a Vendor that is a statutory monopoly;
4. For work to be performed on or about a building or land or portions thereof, leased to the Library, that may be performed only by the Lessor;
5. For work to be performed on property by a contractor according to provisions of a warranty or guarantee held in respect of the property or the original work;
6. For a Contract to be awarded to the winner of a design contest;
7. For the procurement of a prototype of a first good or service to be developed in the course of and for a particular Contract for research, experiment, study or original development, but not for any subsequent purchases;
8. For the purchase of goods under exceptionally advantageous circumstances such as bankruptcy or receivership, but not for routine purchases;
9. For the procurement of Real Property;
10. For the procurement of original works of art;

The Director, Business Management & Operations is authorized to update this schedule as and when required as it relates to the *Canada Free Trade Agreement* and the *Trade and Cooperation Agreement between Ontario and Quebec* and any other Federal or Provincial legislation or agreements that are or become applicable to the Library.