

PROCUREMENT OF GOODS AND SERVICES POLICY

5.0 Conflict of Interest...cont'd

5.5 For the purposes of this section, an elected official, appointed officer or employee of the City has an indirect pecuniary interest if the person is a partner of a person or is in the employment of a person or body that has entered into a tender, proposal, quotation or contract with the City.

5.6 For the purposes of this section, the pecuniary interest in a tender, proposal, quotation or contract of a parent or spouse or any child of an elected official, appointed officer or employee shall, if known to the person, be deemed to be also the pecuniary interest of the elected official, appointed officer or employee as the case may be.

6.0 Prohibitions

6.1 Division of Contracts

No employee of the City shall divide a purchase or a contract to avoid the requirements of the Tender, Proposal, Quotation or Purchasing Card procedures. Nor shall purchases be split in order to circumvent prescribed spending authority dollar limits as outlined in this Policy.

6.2 Interference in the Procurement Process

a. Elected officials, appointed officers and employees shall not knowingly cause or permit anything to be done or communicated to anyone in a manner which is likely to cause any potential supplier to have an unfair advantage or disadvantage in obtaining a contract for the supply of goods and/or services to the City. This also includes a contract with any other municipality, local board or public body involved in the purchase of goods and/or services either jointly or in cooperation with the City.

b. Elected officials shall separate themselves from the procurement process and have no involvement whatsoever in specific procurements. Elected officials should not see any documents or receive any information related to a particular procurement while the procurement process is ongoing. Elected officials who receive inquiries from suppliers related to any specific procurement shall immediately direct those inquiries to the Manager of Purchasing and Supply, or the City Treasurer.

c. The only exception to the above relates to selection of external auditors or an integrity commissioner whereby elected officials are specifically part of the evaluation team.

6.3 Official Point of Purchasing Contact and Lobbying Prohibition

a. The City is committed to the highest standards of integrity with respect to the purchase of goods and/or services and managing the processes by which goods and/or services are acquired. The official point of purchasing contact shall be a member of the Purchasing and Supply Team. Should it be necessary or desirable to have a contact person to respond to technical issues that person shall be named in the competitive bid documents. All communications will be made by these individuals and during the procurement process, no bidder or person acting on behalf of the bidder or group of bidders shall contact any elected official, consultant or any employee of the City to attempt to seek information or to influence the award of the contract. Any activity designed to influence the decision process, including, but not limited to, contacting any elected official, consultant or employee of the City for such purposes as meetings of introduction, social events, meals or meetings related to the selection process, shall result in disqualification of the bidder for the project to which the influential activity is deemed to be directed. Notwithstanding the foregoing, this prohibition does not apply to meetings specifically scheduled by the City Purchasing and Supply group for presentations or negotiations. Any bidder found to be in breach of this Policy shall be subject to immediate disqualification from the procurement process and may be prohibited from future opportunities at the discretion of City Council.

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SCHEDULE "B" – Goods and/or Services NOT Subject to this Policy

1. Training and Education including:
 - i Conferences, Seminars, Courses and Conventions
 - ii Magazines, Subscriptions, Periodicals
 - iii Memberships
 - iv Staff Development
 - v Staff Workshops
 - vi Staff Relations
2. Refundable Employee Expenses in accordance with the Travel and Business Expense Policy.
3. Corporate General Expenses including:
 - i Payroll and Payroll Deductions
 - ii Medicals
 - iii Insurance Premiums, Claim Settlements and Adjuster Services
 - iv Tax Remittances, WSIB Remittances
 - v Charges to and from Other Government Agencies
 - vi Development Charges
 - vii Postage
 - viii Newspaper Advertising
 - ix Retirement Recognition Awards
 - x Investment Management Services
 - xi Employee Group Benefits, Compensation, Programs, Consulting and Reviews
4. Licenses, certificates and other approvals required.
5. Election materials - The City Clerk has the authority to purchase goods, services and equipment considered necessary or advisable to carry out the requirements of the Municipal Elections Act, R.S.O. 1996. The City Clerk shall wherever possible be guided by the provisions of this Policy.
6. Ongoing maintenance for existing computer hardware and software. All requests for purchases of computer systems (hardware and software that will be connected to the corporate network) must be developed in co-operation with the Information Technology Division.
7. Professional and skilled services provided to individuals as part of approved programs within Corporate or Community Services including but not limited to medical services, home care services, counseling services and child care.
8. Professional and special services up to \$100,000, or defined more specifically in another City by-law or Council Policy, including, but not limited to:
 - i Additional Non-recurring Accounting and Auditing Services
 - ii Banking Services (where covered by agreements)
 - iii Public Debenture Sales
 - iv Realty Services for Lease, Acquisition, Demolition, Sale and Appraisal of Land and Property, including Appraisal and Consulting Services relating to matters of Expropriation
 - v Performance / Artist's Fees
 - vi Property Tax Bill Printing and Mailing Services
 - vii Integrity Commissioner Services

Note: All Professional and special services exceeding \$100,000 must follow the approval process outlined on Schedule "A".
9. Utilities - Water and Waste Water, Electricity, Electrical Inspection Services, Phone and Natural Gas.
10. Construction work completed by Railways (CN and CP) and billed to the City.
11. Urgent Facilities Maintenance/Repairs as deemed appropriate by the City Treasurer and/or City Engineer with the concurrence of the City Manager.
12. Legal Services and Labour Relations Services as deemed appropriate by the City Solicitor and/or the Chief Human Resources Officer up to \$ 250,000.
13. Construction relocations as approved by the City Utilities Co-ordination Committee.
14. Services provided for City construction projects within a railway right-of-way as required by the rail authority having jurisdiction.