



THE CORPORATION OF THE CITY OF MISSISSAUGA

BY-LAW NUMBER **0374-2006**

A by-law to provide for the acquisition of goods and services, the disposal of surplus items, and the repeal of By-Law No. 613-91, as amended.

WHEREAS the *Municipal Act 2001*, S.O. 2001, c. 25, Part VI, Section 271 stipulates that municipalities and local boards shall adopt policies with respect to their acquisition of goods and services;

AND WHEREAS The Corporation of the City of Mississauga has hereby undertaken a comprehensive review of its purchasing processes to identify accountability, transparency, and efficiency improvements;

AND WHEREAS the Council of The Corporation of the City of Mississauga deems it desirable to repeal, in its entirety, By-law 613-91, as amended, and pass a new by-law with respect to the acquisition of goods and services, and the disposition of surplus goods;

NOW THEREFORE the Council of The Corporation of the City of Mississauga ENACTS as follows:

SECTION 1 - DEFINITIONS

1. In this by law, the following terms shall have the meanings indicated:
 - (1) "Acquisition" means the acquisition by purchase, lease, rental or exchange transaction of Goods and Services.
 - (2) "Applicable Law" means any applicable federal, provincial or municipal law, statutes, by laws, regulations, rules, lawful orders or lawful directives applicable in Ontario from time to time.
 - (3) "Award" means the selection of the Bidder and the Bidder's Goods and Services, as accepted by the City.
 - (4) "Best Value" means the optimal value balance of efficiency, performance and cost having regard to the City's objectives in respect of the Acquisition timing, quality and quantity.
 - (5) "Best Value Bid" means a Bid received in response to a Request for Proposal which provides the City with the Best Value where the total cost to the City (as stipulated by the purchasing principles outlined in Section 7) has been weighted at 30 per cent or more in the evaluation process.
 - (6) "Bid" means an offer or submission from a Bidder received in response to a Bid Request.
 - (7) "Bid Request" means a solicitation from the City to external suppliers to submit a quotation, tender, proposal, or best and final offer.
 - (8) "Bidder" means any legal entity submitting a Bid.
 - (9) "Buyer" means a buyer in Materiel Management assigned responsibility for a particular Acquisition.

- (10) "City" means The Corporation of the City of Mississauga.
- (11) "City Manager" means the City Manager of the City and any person to whom the authority of the City Manager is subsequently delegated by Council and includes any person who has been authorized, in writing, to temporarily act as City Manager during absence or vacancy in that office.
- (12) "Commitment" means a contractual obligation, either verbal or written, to acquire Goods and Services.
- (13) "Co-operative Acquisition" means an Acquisition conducted by the Manager or a Buyer on behalf of the City and one or more Public Bodies, or the involvement of the Manager or a Buyer in procurement by other Public Bodies, when it is to the advantage of the City to bundle requirements for Goods and Services used in common and to work together to obtain supply.
- (14) "Council" means the Council of the City.
- (15) "Department" ("Departmental") means an organizational unit of the City headed by a Department Head.
- (16) "Department Head" means the City Manager and any of the Commissioners appointed by Council with administrative responsibility for a Department and includes any person who has been authorized, in writing, to temporarily act during absence or vacancy in that office.
- (17) "Departmental Director" means a divisional director in a Department and includes any person who has been authorized, in writing, to temporarily act during absence or vacancy in that office.
- (18) "Departmental Manager" means a Sectional manager in a department who has been delegated with cost centre approval up to \$50,000 by the Department Head.
- (19) "Emergency" means a situation where the immediate Acquisition of Goods or Services is essential to prevent serious delays, injury, or further damage; or to restore or maintain essential City services where it has been determined that a threat to public health, or life, property or the environment exists.
- (20) "Goods and Services" means goods and services of all kinds, including both tangible and intangible goods, including but not limited to labour, supplies, materials, equipment, construction and consulting or professional services.
- (21) "High Value Acquisition" means an Acquisition of Goods or Services having an estimated annual value per vendor or total project value of more than \$100,000, inclusive of taxes and delivery charges.
- (22) "Low Value Acquisition" means an Acquisition of Goods or Services having an estimated annual value per vendor or total project value of \$5,000 or less inclusive of taxes and delivery charges.
- (23) "Lowest Compliant Bid" means either:
 - (a) an offer in response to a Request for Quotation which:
 - (i) complies substantially with the Bid Request; and
 - (ii) will provide the City with the desired Goods or Services at the lowest total cost as submitted; and
 - (iii) is submitted by a Bidder who is deemed to be qualified, ethical and having the skills, will and ability to complete the contract.

or,

- (b) an offer in response to a Request for Tender which:
 - (i) meets all of the mandatory or essential requirements in the Request for Tender and which contains no Major Irregularity; and
 - (ii) will provide the City with the desired Goods or Services at the lowest total cost as submitted; and
 - (iii) is submitted by a Bidder who is deemed to be qualified, ethical and having the skills, will and ability to complete the contract.

- (24) "Major Irregularity" means a deviation from a Bid Request which, as determined by the Manager in accordance with City policy, as amended from time to time, affects the price, quality, quantity or delivery, and is material to the Award. If the deviation is permitted, the Bidder could gain an unfair advantage over competitors.

- (25) "Manager" means the person holding the management position of Manager, Materiel Management and includes any person who has been authorized, in writing, to temporarily act during absence or vacancy in that office.

- (26) "Materiel Management" means an organizational unit of the Department of Corporate Services responsible for all Acquisitions of Goods and Services for the City.

- (27) "Medium Value Acquisition" means an Acquisition of Goods or Services having an annual value per vendor or total project of \$5,001 and up to \$100,000 inclusive of taxes and delivery charges.

- (28) "Minor Irregularity" means a deviation from a Bid Request which, as determined by the Manager in accordance with City policy, as amended from time to time, affects form, rather than substance. The effect on the price, quality, quantity or delivery is not material to the Award. If the deviation is permitted the Bidder would not gain an unfair advantage over competitors.

- (29) "Public Body" means any local board, commission, non-profit corporation or municipal or government entity and shall include any corporation of which the City is a shareholder or any one of them alone or in any combination of them acting together.

- (30) "Publicly Advertised Bid Process" means that the City shall advertise Bid Requests in print publications widely available to the public or on the internet.

- (31) "Purchasing Agent" means the Director of Revenue and Materiel Management whose responsibility it is to supervise and carry out the acquisition function on behalf of the City. In the absence of the Director of Revenue and Materiel Management, the responsibility shall be carried out by the Commissioner of Corporate Services.

- (32) "Request for Best and Final Offer" means a request for a firm fixed Bid which is subject to acceptance or rejection and which shall not be subject to further discussion or negotiation and that represents the last step in a multi-step acquisition process.

- (33) "Request for Expression of Interest" means a request which will be used to determine the interest of the market place to provide Goods or Services which the City is contemplating purchasing and may result in a result in determination of a short list of Bidders to respond to a Bid Request.

- (34) "Request for Information" means a request which will be used as a general market research tool to determine what Goods and Services are available which will meet business or operational requirements and Acquisition strategies and/or to estimate project costs for the purpose of developing a Bid Request.

- (35) "Request for Pre-Qualification" means a request with specific qualification criteria which will be used to identify and pre select Bidders, where the experience and qualifications of the Bidders must be clearly established and verified prior to bidding.
- (36) "Request for Proposal" means a request which will be used to obtain a Bid or Bids for Goods or Services in cases where the City can specify the performance requirements but the bidders must determine the optimal approach and the quantity and quality of their Goods or Services based on their particular attributes.
- (37) "Request for Quotation" means a request which will be used to obtain a Bid or Bids in cases where the City has determined the quantity and quality of the Goods or Services for Low or Medium Value Acquisitions or Single/Sole Source Acquisitions of any value.
- (38) "Request for Tender" means a request which will be used to obtain irrevocable Bids for Goods or Services for High Value Acquisition in cases where the City has determined the quantity and quality of the Goods or Services.
- (39) "Single/Sole Source" means an Acquisition permitted under the distinct and unique circumstances set out in Schedule "A" attached hereto.
- (40) "Senior Buyer" means a Buyer in Materiel Management accorded the title of Senior Buyer.
- (41) "Vendor" means a legal entity with whom the City has entered into a Commitment.

SECTION 2 - MONETARY REFERENCES

- 2. (1) All references to dollar amounts in this by-law are to Canadian dollars.
- (2) For Bid evaluation purposes, all Bids submitted in currencies other than Canadian dollars shall be converted to Canadian dollars, at the exchange rate established by the Finance Division of the Corporate Services Department at the date of Bid closing.

SECTION 3 - APPLICABILITY

- 3. (1) The provisions of this By law shall apply to all Acquisitions of Goods and Services undertaken by or on behalf of Departments, excluding:
 - (a) real estate;
 - (b) consulting or professional services that are delivered in a manner which constitutes an employer/employee relationship, in accordance with City policies and procedures as amended from time to time;
 - (c) Acquisitions related to reimbursable expenses incurred by employees or elected officials in accordance with City policies and procedures as amended from time to time;
 - (d) professional and other services limited to:
 - (i) legal services, as required by the City Solicitor;
 - (ii) arbitrators;
 - (iii) realty appraisers;
 - (iv) court reporters;
 - (v) honoraria; and
 - (vi) committee fees.

- (e) general City expenses limited to:
 - (i) postal charges;
 - (ii) any payments made by the City under statutory authority (for example licences); and
 - (iii) legal and insurance settlements.
- (2) No Commitment shall be entered into, no debt shall be incurred, no expenditure shall be made and no account shall be paid in respect of a Commitment for Goods and Services except in accordance with the provisions of this by-law.
- (3) City Acquisitions shall be conducted in accordance with all City policies including its policies on purchasing, employee conduct, financial matters, the environment, health and safety and records management.
- (4) Delegation of responsibility under this by-law shall only occur as specifically provided.

SECTION 4 - ETHICS IN PURCHASING

- 4. (1) The Purchasing Agent and Materiel Management staff shall comply with the codes of purchasing ethics established by the National Institute of Governmental Purchasing, Inc. and the Purchasing Management Association of Canada in respect of all Acquisition processes.
- (2) The City adheres to and insists upon adherence to a strict ethical standard in all City Acquisitions by all Bidders and Vendors. All Bidders and Vendors shall be required to become knowledgeable with and adhere to the City's policies in this regard, as may be amended from time to time.

SECTION 5 - AUTHORITIES AND DUTIES OF PURCHASING AGENT

- 5. The Purchasing Agent, shall have the authority and be responsible, either directly or through permitted delegation to Materiel Management staff, for:
 - (a) overseeing corporate Acquisition and developing corporate standards for the City's Goods and Services if such standards are practicable and will achieve better financial value for the City;
 - (b) ensuring that responsible departmental staff, Bidders, and Vendors are aware of the ethical standards relating to purchasing and that adherence to those standards is maintained;
 - (c) co-ordinating Medium and High Value Acquisition services including special Acquisition initiatives involving corporate administration and governance;
 - (d) establishing standards and evaluation committees to deal with procurement processes for corporate-wide Acquisitions;
 - (e) providing training for responsible departmental staff;
 - (f) determining, in accordance with all related policies and procedures as may be adopted or provided from time to time, the appropriate Acquisition method by which Goods and Services should be acquired, including the form of any Commitment, in consultation with the City Solicitor, the circumstances and means for the pre-selection of equipment and materials, and the pre-qualification of Bidders;
 - (g) developing and maintaining all policies, procedures, directives, and practices and advising Bidders and all staff involved;
 - (h) providing professional advice and guidance, including strategic advice, fairness monitoring and advice on Vendor performance and contract implementation issues, to Departments in respect of Acquisitions;

- (i) reporting to Council as required, pursuant to the provisions of this by-law;
- (j) monitoring Departmental compliance with this by-law; and
- (k) the receipt, custody and safe keeping of all Acquisition Commitments, Award reports, and specified evaluation documentation.

SECTION 6 - CONFLICTS OF INTEREST

6. (1) Elected officials shall comply with the *Municipal Conflict of Interest Act* and officers and employees of the City shall comply with City policies on conflict of interest.
- (2) At any time during an Acquisition, beginning with the planning stage as set out in Section 9 of this by-law, through to the Award and Commitment stage, no person shall accept, directly or indirectly, from any person or organization to which any Acquisition is, or might be awarded, any thing of any value including rebates, gifts, meals, money or special privileges.
- (3) No preference will be given to providers or suppliers who provide unsolicited products or samples to the City or who demonstrate the operation of such products or samples.
- (4) With respect to the disposal of surplus items, no City employee or member of such employee's family may acquire an item if the employee was responsible for declaring the item surplus to the City's needs; or is or was otherwise involved in the disposal of such items.

SECTION 7 - CITY OF MISSISSAUGA'S PURCHASING PRINCIPLES

7. The City of Mississauga's purchasing principles are:
- (a) Acquisition processes shall be efficient, effective, objective, and accountable;
 - (b) Transparency and fairness shall be ensured, and competitive value maximized, through full and open procurement processes;
 - (c) The Acquisition of Goods and Services shall be conducted in an unbiased way not influenced by personal preferences, prejudices or interpretations;
 - (d) Efforts shall be made to achieve the best value for the City;
 - (e) Acquisition processes and approvals of Awards shall not be conducted by the same individual and, at all times the Departmental Director shall ensure segregation of process and award functions;
 - (f) The total cost of purchasing, maintenance, continuing support, repair, staff training, operation, disposal, and other related costs shall be considered, rather than only the lowest invoice price;
 - (g) Efforts shall be made to acquire Goods and Services which will conserve energy and help to preserve and protect the ecosphere;
 - (h) The Acquisition of Goods and Services shall be conducted in a manner which will promote, and incorporate whenever possible, the requirements of the *Ontarians with Disabilities Act*;
 - (i) The Acquisition of Goods and Services shall be conducted in accordance with the requirements of the *Municipal Freedom of Information and Protection of Privacy Act*, the *Municipal Act, 2001*, *Business Discrimination Act*, as may be applicable;
 - (j) The Acquisition of Goods and Services shall be conducted in compliance with international/interprovincial trade treaties or agreements, including the *North American Free Trade Agreement*, the *Agreement on the Opening of Public Acquisition for Ontario and Quebec* and the *Agreement on Internal Trade*.

SECTION 8 - FUNDING AND COMMITMENTS

8. (1) No Commitment shall be entered into in respect of an Acquisition unless:
 - (a) funding for the Acquisition has been authorized by Council in the Department's operating or capital budget; or
 - (b) special funding for the Acquisition has been approved by Council; or
 - (c) the Commitment is made conditional upon funding approval by Council.
- (2) Where Acquisitions are contingent upon funding from external parties, the funding arrangement shall be verified, in writing, prior to any Acquisition process being undertaken.
- (3) The form and content of the Commitment and ancillary documents and agreements shall be approved by the Manager or the Buyer, prior to execution of the Commitment which shall be in accordance with Schedule "B". Form and content of all Commitments having a value in excess of \$500,000 shall be drafted in concert with the City Solicitor or designate, and under \$500,000 where determined necessary by the Manager. The Commitment shall clearly specify any and all consideration being paid to the Vendor as a result of the Acquisition Award including, the maximum allowable upset amount where the precise requirement is not yet fixed.
- (4) The total value on the form of Commitment shall not in any event exceed the total amount approved in accordance with this by-law.
- (5) The delivery of Goods or the performance of Services of Medium and High Value shall not be commenced and no promise to pay a Vendor can be made without confirmation from the Manager or the Buyer that the Commitment has been recorded in the City's purchasing system and properly executed.
- (6) Where Council approval for an Award is required, the Purchasing Agent may specify the form and shall require the inclusion of appropriate purchasing content in any report.
- (7) Commitments having a term in excess of ten (10) years shall require the approval of Council.
- (8) Departmental staff shall adhere to the Acquisition Methodology Award approvals and Commitment execution levels and requirements set out in this by law and summarized in Schedule "B".

SECTION 9 - PLANNING FOR ACQUISITION

9. (1) The acquiring Department shall, prior to initiating any Acquisition process for Goods and Services:
 - (a) ensure that the Goods and Services are legitimately required for City purposes; and
 - (b) consider short and long-term requirements with respect to quantities and time lines, or total project cost considering the life span of the program; and
 - (c) consider the cost of ongoing maintenance, support, and licensing etc. requirements; and
 - (d) confirm availability of funding; and
 - (e) allow sufficient time to complete the Acquisition as may be stipulated by City policy or directive, as amended from time to time.

- (2) Where Goods and Services of the same kind or type are required in connection with one project, all of those Goods and Services shall be included in determining the estimated value of the Acquisition.
- (3) The Departmental Manager, in respect of competitive Acquisitions over \$5,000 and up to \$50,000, shall execute all planning documentation stipulated by the Manager.
- (4) The Departmental Director shall be responsible for directing and overseeing all Departmental Acquisition processes and shall execute all planning documentation stipulated by the Manager for all competitive Acquisitions over \$50,000 and all High Value and Single/Sole Source Acquisitions whether planned or on an Emergency basis.
- (5) With respect to Medium and High Value Acquisitions, the Department shall prepare detailed specifications and quantity requirements with the underlying premise of encouraging full, open and fair competition.
- (6) Acquisitions shall not be divided to avoid the requirements of this by-law.
- (7) Individual Departmental needs shall be assessed in the context of overall corporate needs and where, in the opinion of the Purchasing Agent or Manager, it is in the City's best interest to procure the same Goods and Services for more than one Department, the Manager or the Buyer may initiate a corporate wide Acquisition.
- (8) The Purchasing Agent may require that the Department report to Council prior to undertaking an Acquisition process or an Award, based on an evaluation of potential risk to and/or opportunity for the City.

SECTION 10 - ACQUISITIONS FROM INTERNAL SOURCES

10. (1) Goods and Services which are available from existing corporate services or supply centres, such as the print shop, central stores, etc. shall not be obtained from other suppliers unless there is a compelling requirement for an alternate source Acquisition.
- (2) Goods and Services which are available from existing corporate Commitments, such as office supplies, courier services, etc. shall not be obtained from other suppliers unless there is a compelling requirement for an alternate source Acquisition.
- (3) Internal or in-house Bids, whereby an internal department competes with external Bidders for Acquisition opportunities, may only be considered where Council considers it appropriate to do so and has provided approval prior to the Bid process. Any and all such internal or in-house Bids shall comply with this by-law, City policies, and procedures as amended from time to time.

SECTION 11 – COMPETITIVE ACQUISITIONS

11. (1) Low Value Acquisitions (\$5,000 or less)
 - (a) General
 - (i) Low Value Acquisitions shall be conducted by staff specifically delegated with this responsibility by the Departmental Director, without the involvement of a Buyer strictly in accordance with this by-law, City policies and procedures, as amended from time to time.
 - (ii) The Manager or designate shall monitor Low Value Acquisitions for compliance with relevant City policies and procedures as amended from time to time, and shall:

- A. advise Departmental Directors of any issues with respect to Low Value Acquisitions; and
- B. make recommendations to the Purchasing Agent on the need for corporate contracts; and
- C. advise Departmental Directors of relevant information such as existing corporate suppliers, timing, appropriate Acquisition methods, surety and insurance requirements, disqualified Vendors, etc.

(b) Award and Commitment

- (i) The Departmental Director shall ensure that a separate staff member, with City authority to manage cost centres, is delegated with approval and authority to select the Vendor. The staff member delegated with the responsibility for selecting the Vendor by the Departmental Director shall do so based on a Best Value solution methodology. Commitments shall be executed in accordance with City policies and procedures as amended from time to time.

(2) Medium Value Acquisitions (more than \$5,000 and up to \$100,000)

(a) General

- (i) Departmental Staff members delegated with process responsibility shall consult with a Buyer when planning a Medium Value Acquisition in accordance with City policies and procedures. Buyers shall provide direction with respect to the proper Acquisition process to ensure Best Value Awards which may include direction as to existing suppliers, timing, evaluation criteria, surety and insurance requirements, disqualified Bidders, and the consideration of additional Bidders, among others.
- (ii) Medium Value Acquisitions must be conducted by the issuance of a written Bid Request and shall be in compliance with City policies and procedures, as amended from time to time.
- (iii) Medium Value Acquisition processes may be conducted by the departmental staff members delegated with process responsibility by the Departmental Director, through the competitive bid process and obtaining three (3) written Bids.
- (iv) For all Medium Value Acquisitions with a dollar value of more than \$50,000, a Buyer shall review and finalize the Bid Request prior to issuance.
- (v) Following Bid evaluation, prior to an Award being made, a Buyer shall review the Acquisition process which was undertaken to ensure that it meets the requirements of this by-law and relevant City policies and procedures, as amended from time to time.

(b) Approval and Award

- (i) Following Bid evaluation and determination of the Best Value Bid or Lowest Compliant Bid, departmental staff shall execute the Bid Award form as set out by the Purchasing Agent to indicate that funds are available for the Acquisition, that the Acquisition process was conducted in accordance with this by-law, and that the Award is approved. Departmental staff may approve Awards in accordance with the following:
 - A. Acquisitions up to \$50,000 – by the Departmental Manager;
 - B. Acquisitions over \$50,000 – by the Departmental Director

- ii) The Manager or the Buyer shall sign the Bid Award form if the Acquisition process meets the requirements of this by-law.
- (c) Commitment
 - (i) The Manager or the Buyer is authorized to execute Commitments in respect of Medium Value Acquisitions when:
 - A. the Award has been approved in accordance with this by-law; and
 - B. satisfactory terms and conditions have been obtained and agreed to; and
 - C. the complete price and costing information has been identified; and
 - D. an upset limit or total as well as the basis for approving work or receipts and releasing payment are clearly established; and
 - E. there are no unresolved Bid Protests.
 - (ii) Where any of the conditions listed in Section 11(2)(c)(i) above have not been met, then Council approval must be obtained through submission of a report from the Department Head, which shall include the advice of the Purchasing Agent as contemplated in Section 8(7) prior to Commitment.
- (3) High Value Acquisitions (more than \$100,000)
 - (a) General
 - (i) The Buyer is responsible for determining the method, conducting and managing all High Value Acquisitions including the evaluation process and the maintenance of information and results.
 - (ii) The staff member delegated with process responsibility by the Departmental Director is responsible for developing the specifications or statement of work and quantity requirements. The Manager or the Buyer is responsible for reviewing the specifications and quantity requirements, developing appropriate Bid Request requirements, evaluation method and criteria and conducting the Bid Process ensuring that the purchasing principles outlined in Section 7 are followed.
 - (iii) A Publicly Advertised Bid Process must be initiated. The methods for calling Bids include, but are not limited to:
 - A. Request for Information;
 - B. Request for Expression of Interest;
 - C. Request for Pre-Qualification;
 - D. Request for Tender;
 - E. Request for Proposal;
 - F. Request for Best and Final Offer; or
 - G. A multi-step process which may involve a combination of the above.

(b) Approval and Award

(i) For High Value Acquisitions up to \$500,000, the Manager or , if over \$500,000 the Purchasing Agent are responsible for approval of the acquisition process in accordance with this subsection. Said approval shall include confirmation of the following:

- A. Department Head approval of the Award; and
- B. verification that the Acquisition, was conducted in accordance with this by-law, and
- C. identification of complete price and costing information; and
- D. identification of an upset limit or total expenditure as well as the basis for approving work or receipts and releasing payment; and
- E. approval by the Department Head or designate of the operational terms and conditions; and
- F. confirmation from the Department Head that funds are available, within existing approved budgets, without detrimental impact or elimination of any other planned Acquisition; and
- G. verification that the Bid is the Lowest Compliant Bid or Best Value Bid from amongst the Bids submitted and
- H. there are no unresolved Bidder protests.

(ii) In addition, Council approval of the Award is required when:

- A. funds are not available; or
- B. the Bid is not the Lowest Compliant Bid or Best Value Bid of the Bids submitted; or
- C. there are unresolved Bidder protests; or
- D. the Award relates to the approval of master Commitments for the Acquisition of hydro-electric power;
- E. the term of the Commitment exceeds ten (10) years; or
- F. at the discretion of the Purchasing Agent.

(iii) When Council approval of the award is required as outlined above, the Department Head shall report to Council as stipulated by Section 8(7).

(c) Commitment

(i) The Manager shall execute Commitments in respect of High Value Acquisitions up to a value of \$500,000 when:

- A. the process has been approved by the Manager or Purchasing Agent as required under this by-law; and
- B. the Award has been approved by the Department Head or Council in accordance with this by-law and City policies and procedures, as amended from time to time; and

C. the form of the agreement has been prepared in concert with legal services staff where the Manager determines it to be appropriate under the circumstances.

(ii) The Purchasing Agent shall execute Commitments having a value over \$500,000 if all the conditions set out in 11(3)(c)(i) have been satisfied and the form of agreement, has been prepared in concert with legal services staff.

SECTION 12 – NON-COMPETITIVE ACQUISITIONS (SINGLE/SOLE SOURCE AND EMERGENCY)

12 (1) General

- (i) An Acquisition may only be conducted using a Single/Sole Source Vendor if the Acquisition meets the specific criteria set out in Schedule “A”;
- (ii) The Purchasing Agent or Manager shall have the final right of determination as to whether an Acquisition meets the relevant criteria;
- (iii) This section applies to Medium and High Value Acquisitions only. Low Value Acquisitions are not required to meet with the Schedule “A” criteria.

(2) Medium Value Single/Sole Source Acquisitions

(a) General

- (i) Departmental Staff members delegated with process responsibility shall consult with a Buyer when planning a Medium Value Single/Sole Source Acquisition in accordance with City policies and procedures. Buyers shall provide direction with respect to the proper Acquisition process to ensure a Best Value Award which may include direction as to the appropriateness of a competitive process, existing suppliers, timing, evaluation criteria, surety and insurance requirements and disqualified Bidders.
- (ii) A written Bid Request shall be issued, prior to any negotiations or entering into a Commitment, to clearly set out the requirements and to be used as a basis for determining terms and conditions.
- (iii) Following Bid evaluation, prior to an Award being made, a Buyer shall review the Acquisition process which was undertaken to ensure that it meets the requirements of this by-law and relevant City policies and procedures, as amended from time to time.

(b) Approval and Award

(i) Following Bid evaluation and determination of an acceptable Single/Sole Source Bid, departmental staff shall execute the Bid Award form as set out by the Purchasing Agent to indicate that funds are available for the Acquisition, and that the Award is approved. Justification, as specified in Schedule A, shall be cited in writing. Departmental staff may approve Awards in accordance with the following:

- A. up to \$50,000 – by the Departmental Director
- B. over \$50,000 and up to \$100,000 – by the Department Head.

(ii) The Manager or Purchasing Agent, as stipulated below, shall review the Acquisition process and justification to ensure that the requirements of this by-law and relevant City policies and procedures, as amended from time to time, have been met:

- A. under \$50,000: Manager
- B. over \$50,000 and up to \$100,000: Purchasing Agent

(c) Commitment

- (i) The Manager or the assigned Senior Buyer is authorized to execute Commitments in respect of Medium Value Single/Sole Source Acquisitions when:
 - A. the Award has been approved in accordance with this by-law; and
 - B. satisfactory terms and conditions have been obtained and agreed to; and
 - C. the complete price and costing information has been identified; and
 - D. an upset limit or total as well as the basis for approving work or receipts and releasing payment are clearly established.
- (ii) Where any of the conditions listed in Section 12 (c) (i) above have not been met, then Council approval must be obtained through submission of a report from the Department Head, which shall include the advice of the Purchasing Agent as contemplated in Section 8(7) prior to Commitment.

(3) High Value Single/Sole Source Acquisitions

(a) General

- (i) The staff member delegated with process responsibility shall prepare a justification and shall obtain approval from the Manager or Senior Buyer that the proposed Acquisition meets the Schedule "A" criteria in advance of the submission of specifications to Materiel Management.
- (ii) The staff member delegated with process responsibility by the Departmental Director is responsible for developing the specifications, quantity requirements and statement of work. The Manager or the Buyer is responsible for reviewing the specifications and quantity requirements, developing appropriate Bid Request requirements, evaluation method and criteria and conducting the Bid Process ensuring that the purchasing principles outlined in Section 7 are followed.
- (ii) A Request for Quotation or a Request for Proposal shall be issued to the selected Vendor, prior to negotiation or the entering into of a Commitment, to clearly set out the requirements and to be used as a basis for determining terms and conditions.

(b) Approval and Award

- (i) The Purchasing Agent is responsible for approval of the acquisition process in accordance with this subsection. Said approval shall include confirmation of the following:
 - A. Department Head approval of the Award; and
 - B. verification that the Acquisition, was conducted in accordance with this by-law; and
 - C. identification of complete price and costing information; and
 - D. identification of an upset limit or total expenditure as well as the basis for approving work or receipts and releasing payment; and

- E. approval by the Department Head or designate of the operational terms and conditions; and
 - F. confirmation from the Department Head that funds are available, within existing approved budgets, without detrimental impact or elimination of any other planned Acquisition; and
 - G. verification that the Bid is justified and appropriate in accordance with the criteria set out in Schedule "A".
- (ii) Council approval of the Award is required except:
 - A. in the specific instance stipulated in section 1(b)(vii) of Schedule A which shall require the approval of the Purchasing Agent
 - (iii) When Council approval of the award is required as outlined above, the Department Head shall report to Council as stipulated by Section 8(7).
- (c) Commitment
 - (i) The Manager shall execute Commitments in respect of High Value Single/Sole source Acquisitions up to a value of \$500,000 when:
 - A. the process has been approved by the Purchasing Agent as required under this by-law; and
 - B. the Award has been approved by the Department Head and Council in accordance with this by-law and City policies and procedures, as amended from time to time; and
 - C. the form of the agreement has been prepared in concert with legal services staff where the Manager determines it to be appropriate under the circumstances.
 - (ii) The Purchasing Agent shall execute Commitments having a value over \$500,000 if all the conditions set out in 12(3)(c)(i) have been satisfied and the form of agreement has been prepared in concert with legal services staff.

4. Emergency Acquisitions

- (a) In an Emergency, whether at the Medium or High Value Acquisition level, the departmental staff member shall, if possible, contact the Manager or the assigned Buyer for Emergencies for direction on an appropriate Acquisition process and possible sources of supply. If the Manager or assigned Buyer cannot be reached then the staff member shall contact the Department Head. In the case of Medium Value Emergencies, the Departmental Director's approval shall be obtained before any verbal commitment is made in respect of Acquisitions under \$50,000.00 and the Department Head for those over \$50,000.00 and under \$100,000.00. In the case of High Value Acquisition emergencies (over \$100,000), the City Manager's approval shall be obtained before any verbal commitment is made.
- (b) As soon as possible following the Emergency, the staff member shall document the details of the Acquisition in a form set out by the Purchasing Agent. The form shall be authorized by departmental staff according to the dollar value of the Award, as follows, and forwarded to the Manager:
 - (i) over \$5,000 and up to \$50,000 – authorized by the Departmental Director
 - (ii) over \$50,000 and up to \$100,000 – authorized by the Department Head

- (iii) over \$100,000 – authorized by the City Manager.
- (c) The following execution authorities, which execution may occur after the Acquisition has taken place, shall be in place for Emergency Acquisitions:
 - (i) over \$5,000 and up to \$50,000 – Manager or Senior Buyer
 - (ii) over \$50,000 and up to \$100,000 – Manager
 - (iii) over \$100,000 – Purchasing Agent
- (d) The Purchasing Agent shall report details of High Value Acquisition Emergencies and Medium Value Acquisition Emergencies over \$50,000 in value to the Mayor and members of Council as stipulated in Section 26 as soon as is practicable.

SECTION 13 - CANCELLING AND REISSUING BID REQUESTS

13. (1) In respect of Medium Value Acquisitions, the Manager or the Buyer may cancel a Bid Request, in whole or in part, where, upon having sought the concurrence of the Departmental Director, in her/his opinion:
- (a) the Bid Request document contains errors or omissions which, in the opinion of the Manager, would result in an unfair process if an Award was made; or
 - (b) the Goods and Services are no longer needed; or
 - (c) all acceptable Bids received exceed the budget for the acquisition or the fair market value and negotiating with the Lowest Compliant Bidder or Best Value Bidder is unlikely to yield an acceptable offer; or
 - (d) an opportunity arises and it is advantageous for the City to buy off from or tie on to another government contract; or
 - (e) a determination has been made that the bidding process has been compromised; or
 - (f) the upset monetary limit of the Acquisition has changed by 30% or more.
- (2) In respect of High Value Acquisitions, the Manager may cancel a Bid Request, in whole or in part, where, upon having sought the concurrence of the Department Head, in her/his opinion, any of the circumstances set out in Section 13(1) above exist.
- (3) Re-issuing Bid Requests.

If a Bid Request has been cancelled, the Manager or the Buyer may authorize the issuance of a new Bid Request in respect of the Acquisition, by invitation to the original Bidders or by public advertisement.

SECTION 14 - NEGOTIATIONS

14. In the instance of Medium or High Value Acquisitions, the Manager or the Buyer, in consultation with the staff members delegated with process responsibility by the Departmental Director, may enter into negotiations with the Bidder submitting the Lowest Compliant or Best Value Bid or Single/Sole Source supplier when such actions are in the best interests of the City and will not create an unfair situation for Bidders or Vendors. The Manager or the Buyer must maintain a record of any such negotiations.

SECTION 15 - COMPLAINTS AND BIDDER PROTESTS

15. (1) All Bidder complaints, whether addressed to an elected official, the City Manager, a Department Head or any other City staff shall be referred to Materiel Management and dealt with in accordance with City policy, as may be amended

from time to time.

SECTION 16 - POINT OF CONTACT

16. (1) Contact for the purposes of this section relates to communications to and from City employees, consultants engaged by the City, elected officials or Council and Bidders during the time a Bid Request is in process.
- (2) For Medium Value Acquisitions, unless otherwise specified by the Buyer, the departmental staff person delegated with process responsibility shall act as the official contact person and shall respond to all communications in respect of the Bid Request from the date of issuance, up to and including the announcement of an Award with the exception of Bidder complaints or protests which shall be forwarded to the Buyer.
- (3) For High Value Acquisitions the Manager or the Buyer shall act as the official contact person and shall respond to all communications. The Buyer may, if appropriate, consult with a departmental staff person in order to obtain required information to be communicated.
- (4) If new information to a Bid Request is required, an addendum shall be issued by departmental staff in the case of a Medium Value Acquisition, with notification to the Buyer, and by the Buyer in the case of a High Value Acquisition.
- (5) Any Bidder found to be in breach of this section is subject to disqualification from participating in the current Bid Request.

SECTION 17 - RECEIPT AND OPENING OF BIDS

17. (1) Materiel Management is responsible for the safekeeping and recording of all original vendor submissions in respect of Medium and High Value Acquisitions.
- (2) All sealed High Value Acquisition Bids received in response to Publicly Advertised Bid Requests shall be opened at public bid openings conducted by Materiel Management staff and a Departmental representative. Any member of Council, City staff or the general public may attend public bid openings. Late submissions shall be rejected.
- (3) Bid amounts shall be made available to the public and officially recorded, subject to the provisions of the *Municipal Freedom of Information and Protection of Privacy Act*. Bid amounts so recorded shall not necessarily be determinative of the Award.
- (4) All Medium and High Value Acquisition Bids will be reviewed by the Manager or the Buyer to determine whether either a Major Irregularity or Minor Irregularity exists in accordance with City policies and procedures, as amended from time to time. If, in the opinion of the Manager, a Major Irregularity exists, the Bid will be rejected without further consideration. If, in the opinion of the Manager a Minor Irregularity exists, the Bidder may be permitted to correct the irregularity or the Manager may waive the irregularity and make the Award. Obvious errors in mathematical extensions, decimal point additions and/or taxes may be corrected by the Manager, and the unit prices will govern unless stipulated otherwise in the specific solicitation.
- (5) In the event of two or more identical or tied Bids, those Bids shall be evaluated against the principles set out in Section 7 of this by-law. In the event that two Bid Requests are tied or identical following such evaluation, the Manager or the Buyer shall, in the presence of the departmental staff person delegated with process responsibility, toss a coin. The Award shall then be made to the winner of the coin toss. In the event that three or more tied or identical Bids remain following evaluation, the Manager or the Buyer shall, in the presence of the departmental staff person, conduct a lottery draw. The Award shall then be made to the winner of the lottery.

- (6) Evaluation committees shall be established by the Manager or the Buyer for all High Value Acquisitions and Publicly Advertised Bid Processes. The Committee shall evaluate all Bids received against clear specifications, terms, and conditions. The Manager or the Buyer shall maintain a record of the evaluation process and results.
- (7) Results of all Publicly Advertised Bid Requests shall be posted on the City's Internet site and in the Materiel Management office.
- (8) The Manager or the Buyer shall notify the successful Bidder of their Award.
- (9) The Manager or the Buyer shall notify non-successful bidders:
 - (a) if they are not selected to submit a Bid following a Request for Expression of Interest or a Request for Pre-Qualification;
 - (b) if they submitted a low Bid and have not been selected; or
 - (c) if their Bid was rejected.

SECTION 18 - CONTRACT VALUE AMENDMENTS, EXTENSIONS, OR RENEWALS

18. (1) General

- (a) If the City has entered into a Commitment in respect of an Acquisition, the Department may request that the Manager or the Buyer amend the conditions of the Commitment, extend the term of the Commitment, renew the Commitment or increase the dollar amount to be paid pursuant to the Commitment.

(2) Contract Amendments

- (a) Competitive and non-competitive Medium and High Value Acquisition amendment requests pursuant to Section 18(1)(a), require approval based on the cumulative dollar value of the original Commitment plus any contract value amendments at the time of the request, as follows:
 - (i) \$5,001 and up to \$50,000 – authorized by the Departmental Manager and the Buyer; or
 - (ii) more than \$50,000 and up to \$100,000– authorized by the Departmental Director and the Buyer; or
 - (iii) more than \$100,000 and up to \$500,000 and less than 20% of the original commitment – authorized by the Department Head and Manager; or
 - (iv) more than \$500,000 and less than 20% of the original commitment - authorized by the Department Head and Purchasing Agent, or
 - (v) more than 20% of the original commitment and more than \$100,000 – authorized by Council.

(3) Commitment

- (a) The Purchasing Agent, or the Manager or Buyer if so delegated in writing, may enter into a Commitment upon having received written confirmation of the approval set out in Section 18(2) to amend the conditions of a Commitment, or extend the term of a Commitment, or increase the dollar amount to be paid pursuant to a Commitment when and only when:
 - (i) the request meets the conditions of this by-law and is not contrary to the principles set out in Section 7; and

- (ii) the amendment, extension, or change is within the scope of the original Commitment; and
 - (iii) funding is available within existing approved budgets and without detrimental impact or elimination of any other planned Acquisition; and
 - (iv) the basis for determining fees and charges (eg. unit price) is not being changed.
- (b) In the circumstances, where an extension of the term or contract value amendment is required for operations or maintenance requirements limited to sanding, salting, ploughing, snow removal, or water consumption where weather conditions in any given season are/were worse than expected, the Manager may enter into a Commitment as described in Section 18(3)(a) without regard to the percentage increase of the Commitment if and only if the basis for determining fees and charges (eg. unit price) is not being changed.
- (4) Materiel Management Extension
- (a) Regardless of value, in the event that the Manager and Purchasing Agent are jointly of the opinion that it is advantageous, to enter into an extension, which shall in no event exceed 12 months, a Commitment may be entered into and shall be subject to the conditions set out in section 18(3)(a)(i) through (iii) inclusive, in circumstances where:
- (i) further opportunity is required to comprehensively and accurately complete a procurement process and the Bid documentation ancillary thereto; and/or
 - (ii) additional time is required to complete Commitments in progress at the time of their expiry and to make final payments; and/or
 - (iii) the market conditions, including, timing and specifications, relating to either the procurement of the Goods and Services or the particular industry, are complex; and
 - (iv) the value of the extension does not exceed the approved budget amount for the extension period.

(5) Renewals

The Manager may renew a Commitment only when the terms and conditions of the Bid Request, Award report, and original Commitment provide for the renewal. Said renewal may not occur unless the conditions set out in section 18(3)(a)(i) through (iii) have been met. Where the terms and conditions of the original Commitment do not provide for renewal, a new Acquisition shall be conducted.

SECTION 19 - UNSOLICITED QUOTATIONS, TENDERS OR PROPOSALS

19. (1) Unsolicited proposals shall not be considered.
- (2) If it is determined that there is a legitimate need for the Goods or Services offered by way of an unsolicited offer, then an Acquisition process shall be conducted in accordance with this by-law.

SECTION 20 - CO-OPERATIVE ACQUISITION

20. (1) The Manager or a Buyer may participate with a Public Body in Co-operative Acquisition initiatives where it is in the best interest of the City to do so and where:
- (a) combining the volume of Goods and Services to be purchased by the City and a Public Body would result in a better value; or
 - (b) operational costs would be contained or reduced; and
 - (c) the Acquisition and Commitment are in substantial compliance with the

provisions of this by law.

- (2) The Manager or a Buyer shall conduct all Co-operative Acquisition initiatives on behalf of Departments.
- (3) The Public Body initiating the Acquisition shall determine the Award. In the event that the Award is not in the best interests of the City, the Manager may decline acceptance of the Award unless the Bid Request stipulates City participation. Where the City is initiating the Acquisition, the Acquisition process will be conducted in accordance with this by-law, and all requirements including approval and Commitment requirements according to the dollar value of the Acquisition must be met.

SECTION 21 - SPECIAL RELATIONSHIPS

21. (1) In cases where the Acquisition of Goods and Services is involved, the City may enter into agreements with the private sector including but not limited to joint ventures, co-marketing agreements, public benefit planning agreements, public private partnerships, shared-use agreements, sponsorship arrangements, corporate and individual donation agreements, and advertising, subject to Council approval.
- (2) The Manager may conduct an Acquisition process, according to the dollar value of the Acquisition. All requirements of this by-law must be met, except that the Award must be approved by Council.
- (3) Council approval of the Award shall be obtained by the Department Head. All such reports shall be as stipulated by Section 8(7).

SECTION 22 - VENDOR COMPLAINTS AND VENDOR PERFORMANCE

22. (1) The Departmental staff person who has been assigned responsibility for managing Commitments by the Departmental Director shall be responsible for dealing with Vendor inquiries and resolving Vendor disputes.
- (2) The Manager or the Buyer in consultation with appropriate Departmental, technical, legal and risk management staff, shall resolve Vendor disputes not otherwise resolved by the Departmental staff person.
- (3) Vendors may appeal decisions of the Buyer to the Manager, whose decision shall be final.
- (4) The Manager or the Buyer shall provide Vendors with written notice of non-performance or continuing non-performance of a Commitment or written notice of termination of a Commitment because of the Vendor's failure to comply.
- (5) Departmental and Materiel Management staff shall maintain records of poor Vendor performance on all Commitments, which shall be used to ensure contract compliance, to supplement a pre qualification process review or to justify rejecting a Bid or disqualifying a Bidder.

SECTION 23 - DISQUALIFICATION OF BIDDERS

23. (1) The Purchasing Agent may exclude a Bidder from eligibility to submit a Bid for a period the later of two years or until the next Bid opportunity occurs where there is documented evidence of poor performance or non performance in respect of the fulfillment of a Commitment, or there is documented evidence that the Bidder either violated a provision of this by-law or the Bid Request or submitted an improper Bid, as determined by the Purchasing Agent.
- (2) The Purchasing Agent may exclude a Bidder from a current Bid Request process if the Bidder is found to be in violation of Section 16 (Point of Contact).

SECTION 24 - BIDDER REGISTRATION

24. Bidders may register with Materiel Management to be added to the City's information base to receive notification of opportunities, where such notification has been deemed to be appropriate.

SECTION 25 - DISPOSITION OF SURPLUS GOODS

25. (1) Departmental staff may recommend that items including material, equipment, furnishings and vehicles owned by the City are surplus to the City's needs and have a cash value or are refuse items.
- (2) The manager of the Departmental operating area may declare such items to be surplus and shall then advise the Buyer of any items including materials, equipment, furnishings and vehicles owned by the City which in his or her opinion are surplus and have a cash value.
- (3) Items declared surplus and having a cash value may be disposed of by the Buyer by the most advantageous means, which may include:
- (a) redistribution throughout the City; or
 - (b) a recognized charitable organization in Mississauga registered as such with the Canada Revenue Agency (Charities Directorate); or
 - (c) public auction; or
 - (d) the issuance of a Bid Request; or
 - (e) trade in at fair market value as part of the Acquisition of other similar items or items required by the City; or
 - (f) as Council may otherwise authorize.
- (4) Refuse items shall be disposed.
- (5) Funds received from the disposal of surplus items shall be credited to the appropriate accounts, as determined by the Finance Division of the Corporate Services Department.

SECTION 26 - INFORMATION REPORTS

26. (1) The Manager shall provide information reports, on a monthly basis, to the Purchasing Agent, in respect of all Acquisitions in the previous month, or as otherwise required by this by-law.
- (2) The Purchasing Agent shall provide information reports, on a monthly basis, to the Mayor and members of Council in respect of all High Value Acquisitions, all Single/Sole source Acquisitions exceeding \$50,000 including Emergencies, and all competitive and non-competitive High Value Acquisition contract value amendments, term extensions, and renewal which have been approved in the previous month including the names of all successful Bidders and the dollar amount of any Award.
- (3) The Purchasing Agent shall provide information reports on an annual basis to the Mayor and members of Council summarizing the disposition of all surplus Goods.

SECTION 27 - RECORDS

27. (1) The Manager shall be responsible for the care, custody and control of records in respect of all Medium Value Acquisition and High Value Acquisition Commitments.
- (2) All records retained pursuant to this by-law shall be retained in accordance with the City's Records Retention By-law.

SECTION 28 – REVIEW COMMITTEES

28. The Purchasing Agent, in consultation with Department Heads and the City Manager, shall undertake a comprehensive review of this by law at least once every five years.

SECTION 29 - SEVERING

29. Should any provisions, clauses, sections, phrases or parts of this by-law, or the application thereof, be held by a court or tribunal of competent jurisdiction to be invalid, the remainder of this by-law, or the application of such provisions, clauses, sections, phrases or parts of this by-law shall not be affected.

SECTION 30 - GENERAL

- 30. (1) This by-law comes into force on January 1, 2007.
- (2) By-law 613-91, as amended is repealed as of the date this by-law comes into force.
- (3) Commitments in effect on January 1, 2007 shall continue until the expiration of their term or other termination.
- (3) The short title of this By-law is the "Purchasing By-Law".

ENACTED AND PASSED this *13th* day of *September*, 2006.

APPROVED AS TO FORM City Solicitor MISSISSAUGA
<i>[Signature]</i>
Date 11 09 06

Hattie Mahoney
ACTING MAYOR

Crystal Green
 CLERK

SCHEDULE A

CRITERIA FOR NON-COMPETITIVE ACQUISITIONS (SINGLE/SOLE SOURCE AND EMERGENCY)

1. Pursuant to Section 12 Non-competitive (Medium and High Value Acquisitions), Acquisitions may be conducted using a Single/Sole Source supplier only if one or more of the conditions listed in either (a) or (b) below apply, the Purchasing Agent or Manager having the right of final determination, and a process is undertaken to obtain the Best Value under the circumstances for the City:
 - (a) The Goods and Services are only available from one supplier by reason of:
 - (i) a statutory or market based monopoly; or
 - (ii) scarcity of supply in the market; or
 - (iii) the existence of exclusive rights such as patent, copyright or licence; or
 - (iv) the complete item, service, or system is unique to one vendor and no alternative or substitute exists within Canada.
 - (b) The Goods and Services are available from more than one source, but there are good and sufficient reasons for selecting one supplier in particular, as follows:
 - (i) An attempt to acquire the required Goods and Services by soliciting competitive Bids has been made in good faith, but has failed to identify a willing and compliant supplier; or
 - (ii) The Goods and Services are required as a result of an Emergency which would not reasonably permit the solicitation of competitive Bids; or
 - (iii) The confidential nature of the requirement is such that it would not be in the public interest to solicit competitive Bids; or
 - (iv) Construction, renovations, repairs, maintenance etc. in respect of a building leased by the City may only be done by the lessor of the building, in accordance with a lease agreement; or
 - (v) The Goods are purchased under circumstances which are exceptionally advantageous to the City, such as in the case of a bankruptcy or receivership; or
 - (vi) It is advantageous to the City to acquire the Goods or Services from a supplier pursuant to the procurement process conducted by another Public Body; or
 - (vii) It is advantageous to the City to acquire the Goods or Services directly from another Public Body or public service body; or
 - (viii) Another organization is funding or substantially funding the acquisition and has determined the supplier, and the terms and conditions of the Commitment into which the City will enter are acceptable to the City; or
 - (ix) The Acquisition is for a particular brand of Goods or Services that are intended solely for resale to the public and no other brand is desirable and the brand is not available from any other source.
 - (c) All reporting and approval requirements set out in Section 12 have been met.

SCHEDULE "B"

METHODOLOGY AND APPROVAL REQUIREMENTS

Dollar Value	Acquisition Method	Departmental Approval	Process Approval	Commitment Execution
Low Value Up to \$5,000	Peard or Cheque Requisition	Supervisors with Cost Centre Authority	As per Departmental Approval	In accordance with City policies and procedures
Medium Value \$5,001 up to \$50,000	Competitive	Managers with Cost Centre Authority	Buyer	Buyer
	Non-competitive (Single/Sole Source)	Departmental Director	Manager	Manager
	Emergencies	Departmental Director	Departmental Director	Manager or Senior Buyer
Medium Value \$50,001 up to \$100,000	Competitive *	Departmental Director	Buyer	Manager or Buyer
	Non-competitive (Single/Sole Source)	Department Head	Purchasing Agent	Manager or Senior Buyer
	Emergencies	Department Head	Department Head	Manager
High Value \$100,001 or more	Competitive*	Department Head	Manager up to \$500,000	Manager up to \$500,000
			Purchasing Agent if over \$500,000	Purchasing Agent if over \$500,000
	Non-competitive (Single/Sole Source)	Council, upon recommendation of Department Head	Purchasing Agent	
Emergencies	City Manager	City Manager	Purchasing Agent	

*Exceptions Requiring Council Approval in addition to the above approvals			
Issue	Departmental Approval	Process Approval	Commitment Execution
No Funding	Council, upon recommendation of Department Head	Purchasing Agent	Manager up to \$500,000
Bid not lowest Compliant or Best Value			Purchasing Agent if over \$500,000
Unresolved Bidder Protests			
Purchasing Agent Discretion			
Term Exceeds 10 years			
Hydro Master Commitments			
Special Relationships			

Dollar Value Commitment	Contract Value Amendments, Extensions or Renewals s.18 Departmental Approval	Process	
		Approval	Execution
\$5,001 - \$50,000	Departmental Manager	Buyer	Buyer
\$50,001 - \$100,000	Departmental Director	Buyer	Buyer
\$100,001- \$500,000 (less than 20% original commitment)	Department Head	Manager	Manager
\$500,001 + (& less than 20% of original commitment)	Department Head	Purchasing Agent	Purchasing Agent
\$100,000 + (& more than 20% of commitment)	Council, upon recommendation of Department Head.	Purchasing Agent	Purchasing Agent

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