

THE CORPORATION OF THE CITY OF GUELPH

By-law Number (2009) – 18777

A By-law to provide for the purchasing of goods and services by the Corporation of the City of Guelph.

WHEREAS the Council of the Corporation of the City of Guelph is committed to the provision of fair, transparent and accountable processes for purchasing goods and services by the Corporation of the City of Guelph;

AND WHEREAS Section 271 of the Municipal Act 2001, S.O. 2001. c. 25, states that a municipality and a local board shall adopt policies with respect to its procurement of goods and services;

NOW THEREFORE THE CORPORATION OF THE CITY OF GUELPH ENACTS AS FOLLOWS:

DEFINITIONS

1. In this By-law,

"CAO" means the Chief Administrative Officer of the City or Designate

"Contract" means a binding agreement by way of a Purchase Order or Purchase Order incorporating a written agreement or a written agreement between two or more parties.

"City" means the Corporation of the City of Guelph

"Civil Works" means the construction or reconstruction of road, sewer, water, bridge and other municipal services.

"Council" means the municipal council of the Corporation of the City of Guelph.

"Department" means any department or division of the City.

"Department Head" means the head of a Department being a Commissioner or Director or Designate.

"Designate" means the person or persons assigned the duties and responsibilities on behalf or in the absence or incapacity of the person charged with the principal authority to take the relevant action or decision.

"Director of Finance" means the City's Director of Finance or Designate.

"Goods" include goods, wares, merchandise, materials, and equipment used or required by the City.

"Goods and Services" includes either Goods alone or Services alone or Civil Works alone or any combination thereof.

"In-House Bid" means a process that allows for internal City Departments to compete with external entities for the provision of Goods and Services.

"Manager" means the City's Manager of Purchasing/Risk Management Services or Designate.

"Mayor" means the Mayor of the City or Designate.

"Proposal" means an offer to supply Goods and Services, acceptance of which may be subject to further negotiation.

"Purchase Order" means a standard form document used by the City to formalize a purchasing transaction with a supplier of Goods and Services.

"Responsible" means in respect of a bidder who is deemed to be fully technically and financially capable of supplying the Goods and Services requested in the solicitation.

"Responsive" means in respect of a bidder who correctly and completely responds to all of the significant requirements outlined in the solicitation.

"Requisition" means a written or electronically transmitted request on an approved standard form which is sent to the Manager to purchase Goods and Services.

"Services" may include, but are not limited to, telephone, gas, water, hydro, janitorial and cleaning services, consulting services, legal surveys, medical services, insurance, training, and the rental, installation, inspection, repair or maintenance of equipment, machinery or other personal property

"Signing Authority" refers to the maximum monetary amount, as approved by the Director of Finance from time to time, to which officers and employees are authorized to approve purchases of Goods and Services.

"Single Sourcing" means the purchasing of Goods and Services from a particular supplier without solicitation of bids from other suppliers who can supply the same item.

"Supplier" means any individual or organization providing Goods or Services to the City of Guelph including but not limited to contractors, consultants, vendors, service organizations etc

GUIDING PRINCIPLE

2. The guiding principle for purchasing Goods and Services for the City is that purchasing decisions will be made using fair, transparent and accountable purchasing processes.

PURCHASING/RISK MANAGEMENT SERVICES

3. The Manager shall have charge of and be responsible for the purchase of all Goods and Services by the City, except as otherwise provided in this By-law.
4. The Manager shall develop, implement and maintain administrative procedures and standard form documents to assist in the purchasing processes set out in this By-law.

PURCHASING PROCESSES AND LIMITS

5. The following processes shall be applied for purchasing Goods and Services within the following monetary limits, except as otherwise provided for in this By-law:

Monetary Limits	Purchasing Processes	Comments
Up to \$20,000	Competitive bid process optional at the user Department discretion. Payment may be by Purchasing Card or Purchase Order prepared by user Department or Petty Cash, provided in accordance with this By-Law.	All information is public No public opening required. Purchasing not involved in process
More than \$20,000 and not more than \$100,000	Informal Quotations or Request for Quotations or Tender or Request for Proposals	All information is public No public opening required. Purchasing staff to determine the best process for receiving competitive bids. Advertising of bid call optional
More than \$100,000	Tender or Request for Proposals	Public opening required Purchasing staff to determine best process for receiving competitive bids. Advertising of bid call mandatory

6. The Goods and Services listed in Schedule "A" are exempt from the purchasing process requirements of this By-law.
7. The process applying to "Informal Quotations" is set out at Schedule "B".
8. The process applying to "Request for Quotations" is set out at Schedule "C".
9. The process applying to "Tender" is set out at Schedule "D".
10. The process applying "Requests for Proposals" is set out at Schedule "E".
11. Construction Contracts

For all construction projects estimated to exceed \$100,000.00 a bid deposit of a minimum of 5% of the contract value and in the form of a certified cheque or bid bond, along with a performance and maintenance bond for a minimum of 50% of the tendered amount is required. The maintenance portion of the bonds shall be for a minimum of 2 years.

The Ontario Provincial Standards Specifications, General Conditions of Contract are adopted as the City's General Terms and Conditions for Civil Works Construction Contracts and the City's Supplementary General Conditions of Contract also hereby adopted, subject to amendments as deemed necessary.

The Single Sourcing of engineering consulting services is acceptable for values not to exceed \$25,000.00, in accordance with accepted professional guidelines.

Engineering consultants may be retained under the standard Municipal Engineers Association (MEA) agreement, as modified.

When a City construction contract is in effect and an emergency occurs on a construction site, the Manager has the authority to issue a Purchase Order or a change order to the contract, upon receiving a written or verbal request from the Department Head concerned, for the Goods and Services required to rectify the situation.

AWARDING OF CONTRACTS

12 (a) Provided the purchasing processes set out in this By-law have been followed, the Manager is authorized to and will award a Contract if ALL of the following conditions are satisfied:

Condition 1:

i) The total estimated cost of the Goods and Services is less than \$1,500,000.00 (excluding taxes) and funding for these Goods and Services is included in the approved capital budget or equipment replacement budget;

OR

ii) The total estimated cost of the Goods and Services is less than \$1,500,000.00 (excluding taxes) and these Goods and Services represent the work in respect of a development project and an irrevocable letter of credit or other surety in favour of the City has been received and approved by the Director of Finance to secure the total estimated cost of the Goods and Services;

OR

iii) The total estimated cost of the Goods and Services is less than \$500,000.00 and funding for these Goods and Services is included in the approved operating budget;

AND

Condition 2:

The amount bid by the selected Responsive and Responsible bidder is within the overall available or approved budget for the project, including all applicable taxes, including contingency allowance.

AND

Condition 3:

There are no Provincial Government or Federal Government requirements for the express authorization of Council to Award the Contract.

AND

Condition 4:

The estimated cost of the Goods and Services is within the Signing Authority of the Department Head or the employee of the user Department and the Department Head or employee has submitted a proper Requisition to the Manager or an Internal Approval Report signed by the Department Head of the user Department, the CAO, and the Director of Finance has been provided to the Manager.

(b) If any one of the conditions set out in Section 12(a) is not satisfied, express authorization of Council is required to award a Contract unless otherwise provided in this By-law.

SPECIFICATIONS

13 (a) Each user Department shall be responsible for the preparation of plans and specifications with the support of outside professional

assistance as deemed necessary and for providing such plans and specifications to the Manager for review.

(b) In order to contribute to waste reduction and to increase the development and awareness of environmentally sound purchasing, acquisitions of Goods and Services will ensure that, wherever possible, specifications are amended to provide for expanded use of durable products, reusable products and products that contain the maximum level of post-consumer waste and/or recyclable content, without significantly affecting the intended use of the product or service. It is recognized that cost analysis is required in order to ensure that the products are made available at competitive prices.

(c) Suppliers or potential suppliers shall not be requested to expend time, money or effort on design or in developing specifications or otherwise to help define a requirement beyond the normal level of service expected from suppliers. Where such services are required,

- (i) the Manager shall be advised;
- (ii) the contracted supplier will be considered a consultant and will not be allowed to make an offer for the supply of the Goods and Services;
- (iii) a fee shall be paid the amount of which shall be determined and agreed upon by the supplier before the service commences; and
- (iv) the detailed specifications shall become the property of the City, and can be used in obtaining competitive bids.

PROCESSES FOR SPECIAL SITUATIONS:

A.) Relocation of Utilities

14. Despite any other provisions of this By-law, the process for purchasing Goods and Services for relocating utilities as part of a construction project where a local utility company will perform the work for such relocation of utilities shall be as follows:

(a) A Requisition for the work for such relocation of utilities shall be prepared and signed by the Department Head of the user Department and by the Manager and such Department Head and the Manager are specifically authorized to do so,

And

(b) The Manager, who is specifically authorized to do so, shall issue a Purchase Order to that local utility company.

B) Emergency

15) (a) When a situation, or the threat of an impending situation, occurs, that is determined by the CAO to be a threat to public health, the maintenance of essential City services, the welfare of persons or of public property, the protection of the City's physical assets, or the security of the City's interests or financial liabilities arising from unexpected conditions, and the occurrence requires the immediate delivery of Goods and Services and time does not permit the CAO to allow the Manager to acquire such Goods and Services, the CAO may

make such purchases or authorize the making of such purchases without the involvement of the Manager or the processes set out in this By-law, and the CAO is authorized to do so in the most expedient and economical means possible.

(b) Where the amount of the expenditure is \$500,000.00 or more, the CAO shall provide a full written report of the particulars of the emergency situation to Council as soon as is practicable.

C) Negotiation

16. The Manager may under any one of the following conditions negotiate with one or more suppliers:

- a) When there is a Sole Sourcing situation;
 - b) When there is a Single Sourcing situation such as when due to market conditions, required Goods and Services are in short supply, or when urgent acquisition of required Goods or Services is necessary due to unexpected circumstances;
 - c) When there is a business case to extend a Contract beyond its initial term, such as when additional work is required that pertains to a current or recently completed project;
 - d) When required Goods and Services must be compatible with equipment presently being used;
 - e) During negotiation of annual renewals within a contract period;
 - f) When all bids received are not Responsive and Responsible bids, or are otherwise unacceptable;
 - g) When the nature of the assignment is confidential and disclosure to several bidders is inappropriate provided that the City is in compliance with the Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c. M.56 in respect of any such negotiations;
 - h) When two or more identical low tenders or bids have been received negotiate with bidders, or when only one bid has been received negotiate with bidder;
 - i) When all tenders or bids received fail to meet specifications or terms and conditions, and it is impractical to recall Tenders or Requests for Quotations or Requests for Proposals;
 - j) When the lowest Responsive and Responsible bid received substantially exceeds the budgeted amount for the Goods and Services, or is excessive in total cost as compared to the Goods or Services to be delivered;
 - k) When negotiating improved revenue returns for advertising on City property;
 - l) When negotiating rebates based upon annual purchase value with suppliers;
 - m) When negotiating improved discounts for quick payment of invoices;
- When suggesting alternative products, offering equal or higher performance at lower costs;
- n) When negotiating a gain by way of barter, e.g. a portion of no charge services in return for a Contract award;
 - o) When negotiating better warranties; or
 - p) When negotiating no-charge extras.

When negotiations are deemed necessary they shall be carried out jointly in co-operation with the user Department subject to the conditions of this By-law. Negotiated contracts shall be awarded in accordance with the provisions of this By-law.

INVENTORY CONTROL

17. Each Department shall be responsible for adopting and implementing a system of materials management and inventory control methods for Goods and Services in connection with such Department to ensure adequate levels are maintained in a cost effective manner. The Manager will assist by keeping informed of current developments in pricing, market conditions and new products and by providing such information to the Departments. To replenish stock, a Requisition shall be prepared by the user Department and provided to the Manager who will complete the purchase in accordance with the provisions of this By-law.

DISPOSAL OF SURPLUS

18. The Manager shall, from to time, obtain from the Department Heads itemized inventories of all unusable, obsolete, worn-out, disused or scrapped Goods which are surplus to the needs of the City. If such Goods can be used by another Department, the Manager shall make them available to that Department. If such Goods cannot be used for the purposes of the City, the Manager, in consultation with the user Department, shall sell or dispose of the Goods by public auction, Tender, or Request for Quotation, or other method, whichever method is in the best interests of the City

CO-OPERATIVE PURCHASING

19. The Manager is authorized to participate in and/or join in co-operative purchasing arrangements with other municipalities, local boards and other public commissions and agencies. The Manager is authorized to participate in co-operative bid calls conducted by another member of such co-operative purchasing group and in that event the purchasing policy and procedures of that organization or entity shall apply.

LEGAL CLAIMS

20. No bid or offer will be accepted from any bidder or offeror, inclusive of the bidder's or offeror's subcontractors, who has a claim or has instituted a legal proceeding against the City or against whom the City has a claim or instituted a legal proceeding, without prior approval of Council. For purposes of this provision, where such bidder or offeror is a corporation, bidder or offeror shall include any non-arms length corporation of the bidder or offeror.

DIVISION OF CONTRACTS PROHIBITED

21. No officer or employee of the City shall divide the purchasing of Goods and Services in order to avoid the requirements of this By-law.

AUTHORITY TO EXECUTE CONTRACTS

22. Subject to statutory requirements and where all the requirements of this By-law have been met, the Mayor and Clerk are authorized to execute Contracts and any related documents that have been prepared in a form satisfactory to the City Solicitor, except where otherwise provided in this By-law. Notwithstanding the foregoing, the Mayor and Clerk may not be required to sign amendments to existing agreements.

PAYMENT FOR GOODS AND SERVICES

23. The Director of Finance is authorized to pay for any Goods and Services purchased in accordance with this By-law and shall pay for any such Goods and Services unless otherwise provided in this By-law or within the time commitments specified in the purchasing agreement or contract.
24. Purchases of Goods and Services may be paid from the user Department budget by use of a Purchasing Card or from the user Department's petty cash provided such purchases are in accordance with this By-law.
25. No prepayment for all or any part of Goods and Services shall be made unless the Contract specifically provides for such prepayment.

NO LOCAL PREFERENCE

26. In accordance with the Discriminatory Business Practices Act, R.S.O. 1990, c.D.12, no preference to local suppliers shall be granted in purchasing Goods and Services for the City.

ONTARIANS WITH DISABILITIES ACT

27. In accordance with the Ontarians With Disabilities Act, 2001, S.O. 2001, c.32, the City shall have regard to the accessibility for persons with disabilities in respect of Goods and Services purchased by the City.

IN-HOUSE BIDS

28. The City does not allow In-House Bids for purchasing of Goods and Services for the City.

CONFLICT OF INTEREST

29. No Goods and Services shall be purchased by the City from any officer or employee of the City or any Member of Council or from any business in which any officer or employee of the City or any Member of Council is an officer of such business without express approval by Council.
30. The Manager shall not make or authorize personal purchases for any Member of Council or for any officer or employee of the City.

PILOT PROJECTS

31. When the project is a pilot with the understanding that, if successful, the Goods and Services are to be paid for by the City of Guelph then Council Approval is required to approve the contract.

PERFORMANCE EVALUATION

32. The Manager, in conjunction with the user Department and project manager, if any, may initiate a performance review at the substantial completion or conclusion of a Contract or more frequently if deemed appropriate by the Manager.

PURCHASING PROCESS REVIEW

33. This By-law will be forwarded to Council for review during the first term of each newly elected Council.

INTEGRITY OF THE PURCHASING PROCESS AND PROTECTING THE INTERESTS OF THE CITY

34. In order to maintain the integrity of the bid solicitation processes and to protect the interests of the City, the public and persons participating in a procurement process, the following shall be adhered to for any purchasing which is subject to the requirements of this By-law:

- a. **Open Process:** Departmental needs are clearly communicated to Bidders. The method of evaluating the Bid and the evaluation criteria are provided to Bidders at the outset of the Bid Solicitation process. The terminology used in the competitive bidding documents are defined and interpreted within the document when issued. The method and format of submitting Bids is addressed in the Bid Solicitation document.
- b. **Fairness:** Utilize standard documents: Instructions to Bidders, Terms and Conditions and bidding forms to ensure consistency of content and format within documents issued by the City. Specify clearly all details regarding the closing date, time and location of all Bid Solicitation processes and apply the rules of bid acceptance consistently. Treat all Bidders and all submissions equally and without bias or favouritism at all times.
- c. **Open Competition:** Develop specifications and terms of reference that whenever possible, are not restrictive and allow for open competition from the marketplace. Advertise all formal public Tenders and Requests for Proposals on the internet in order that the competitive bidding opportunity be advertised and accessible to all interested firms. Advertise the competitive bidding opportunity in a specific trade newspaper or local newspaper where practicable to further promote competition.
- d. **Accountability:** Ensure that all Bids are kept secure prior to the closing date, during the evaluation period and following contract award. Handle all proprietary information and Bids submitted in confidence in accordance with the Municipal Freedom of Information and Protection of Privacy Act. Ensure that Requests for Proposals are evaluated by a representative selection committee to allow for various perception and opinions when reviewing and evaluating proposals prior to contract award. Ensure that all Bids, final rating results and related supporting documentation are kept on file in accordance with the City's Retention By-law for future reference, audit or examinations. Ensure that procurement procedures are reviewed on a regular basis to ensure the procedures are clear, logical, current and in accordance with accepted industry standards. Include conflict of interest guidelines in all competitive bidding documents to minimize the risk of potential suppliers trying to influence City staff and elected officials during the bid evaluation process.

SIGNING AUTHORITIES

35. Signing authorities are approved by the Director of Finance based on the following guidelines and apply to Purchase Orders, Requisitions

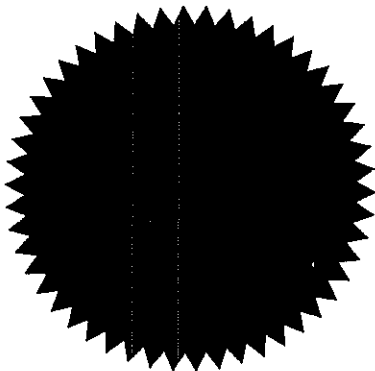
and Cheque Requisitions, provided such purchases are made in accordance with this By-law -

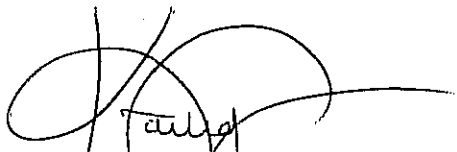
- i. CAO - \$150,000.00
- ii. Department Head - \$100,000.00
- iii. Staff - up to \$50,000.00 as determined by Department Head

ETHICS

- 36. All Purchasing/Risk Management Services Division employees shall comply with the "Statement of Ethics" of the Ontario Public Buyers Association, as amended from time to time. The current version of the Statement is attached as Schedule "F".
- 37. The schedules attached to this By-law form part of this By-law.
- 38. This By-law shall come into force and effect upon passing.

PASSED this TWENTY-EIGHTH day of APRIL, 2009.





KAREN FARBRIDGE - MAYOR



LOIS A. GILES - CITY CLERK

SCHEDULE "A"
BY-LAW (2009) – 18777

Exceptions to Requirements of Purchasing Process

The purchasing processes described in this By-law do not apply to the following items:

1. Training and Education
 - a. Conferences, conventions, courses and seminars
 - b. Magazines, books, periodicals
 - c. Memberships

2. Refundable Employee Expenses
 - a. Advances
 - b. Meal Allowances
 - c. Travel and Entertainment
 - d. Miscellaneous – non-travel

3. Employer's General Expenses
 - a. Reimbursed Employee Expenses
 - b. Payroll Remittances
 - c. Medical
 - d. Licenses (vehicles, etc.)
 - e. Grants to Agencies
 - f. Damage Claims
 - g. Petty Cash Replenishments
 - h. Tax Remittances
 - i. Refund Overpayments of Taxes/Fees
 - j. Financial Agreements eg. Cost Sharing with Other Municipal Organizations
 - k. Realty Taxes
 - l. Payment for employment
 - m. Progress Payments for Construction and Consulting Contracts

4. Professional and Special Services
 - a. Committee Fees
 - b. Medical, Laboratory and Pharmacy Services
 - c. Legal fees
 - d. Witness Fees
 - e. Honorariums

5. Utilities
 - a. Water and Sewer
 - b. Hydro
 - c. Gas
 - d. Telecommunications services
 - e. Postage
 - f. Grants to Agencies

6. Real Property Interests
 - a. All real estate transactions

Any other exceptions approved by the Manager or his/her designate.

SCHEDULE "B"
BY-LAW (2009) – 18777

Informal Quotations Procedure

1. Where possible, three (3) quotations, written or verbal, are to be obtained by the user Department. Pricing is to be recorded by the employee of the user Department if the Quotation is provided verbally. Written quotations must be submitted on the standard form document prepared by the Manager and which will be provided to the user Department upon request or on the supplier's letterhead.

SCHEDULE "C"
BY-LAW (2009) – 18777

Request for Quotations Procedures

1. The Manager shall prepare all Request for Quotation documents.
2. The Manager shall solicit Quotations by written invitation enclosing a copy of the Request for Quotation documents.
3. No Quotation received will be considered unless it is submitted to the Manager on the Quotation documents provided.
4. The closing time for all Quotation calls shall be at 2:30:59 p.m. of the day specified in the quotation documents and all quotation documents shall state this closing time.
5. Where possible Quotations may be submitted by hand delivery, regular mail, courier, facsimile or email.
6. The Manager shall review all Quotations received and verify that all requirements of the Quotation are met.
7. The Manager shall recommend the award of the contract to the lowest bid of a Responsive and Responsible bidder.

SCHEDULE "D"
BY-LAW (2009) - 18777

Tendering Procedures

1. Tenders may be called when the requirements of the Goods and Services can be defined or when a clear or single solution exists.
2. The Manager shall prepare the tender documents except tenders for Civil Works which shall be prepared by the Department Head of Environment and Transportation.
3. Every Department shall provide technical assistance in the preparation of the tender documents as requested by the Manager.
4. Where public advertising in respect of the tender call is required by this By-law, the call for tender shall be advertised to the public on an acceptable internet web page or trade publication or both and such advertising shall be the responsibility of the Manager.
5. The closing time for all tender calls shall be at 2:30:59 p.m. of the day specified in the tender documents and all tender documents shall state this closing time.
6. Where a public meeting for the opening of tender bids is required by this By-law, the Manager shall be responsible for arranging for the public opening of tender bids at the time and date specified by the tender call.
7. At every public meeting for the opening of the tender bids, the Manager shall announce for each contract the contract number, the contract description, the name of the bidder, the total amount of the tender bid, and shall prepare a list thereof.
8. The Manager shall review and analyze the bid submissions and recommend the award of the Contract to the lowest bid of a Responsive and Responsible bidder.

SCHEDULE "E"
BY-LAW (2009) – 18777

Request for Proposals Procedures

1. Requests for Proposals ("RFP") may be called when the requirements of Goods and Services cannot be definitely specified, or the requirements of Goods and Services are non-standard in nature, and where such proposals would result in specific offers by the bidders to fulfill the requirements at a particular price.
2. A Request for Information or Request for Expression of Interest may be issued in advance of an RFP call to assist in the development of a more definitive set of terms and conditions, scope of work/service and the selection of qualified suppliers.
3. The Manager shall prepare the RFP documents.
4. Every Department shall provide technical assistance in the preparation of the RFP documents as requested by the Manager.
5. The closing time for all RFP calls shall be at 2:30:59 p.m. of the day specified in the RFP documents and all RFP documents shall state this closing time.
6. Where public advertising in respect of the RFP call is required by this By-law, the call for RFP's shall be advertised to the public on an acceptable internet web page and/or trade publication and such advertising shall be the responsibility of the Manager.
7. Where a public meeting for the opening of RFP submissions is required by this By-law, the Manager shall be responsible for arranging for the public opening of RFP submissions at the time and date specified in the RFP documents.
8. The Manager shall review and analyze the RFP bid submissions and recommend the award of the Contract to the Responsive and Responsible bidder best meeting the evaluation criteria outlined in the RFP documents.

SCHEDULE "F"
BY-LAW (2009) – 18777

OPBA

A STATEMENT OF ETHICS
FOR PUBLIC PURCHASERS

The Ontario Public Buyers Association's Code of Ethics is based upon the following tenets and members of OPBA attempt to consistently practice their profession and deal with their day-to-day responsibilities according to these principles. Members are encouraged to display this statement in their departments as well as in other locations in their agencies.

1. Open and Honest Dealings with Everyone Who is Involved in the Purchasing Process. This includes all businesses with which this agency contracts or from which it purchases goods and services, as well as all members of our staff and of the public who utilize the services of the purchasing department.

2. Fair and Impartial Award Recommendations for All Contracts and Tenders. This means that we do not extend preferential treatment to any vendor, including local companies. Not only is it **against the law**, it is not good business practice, since it limits fair and open competition for all vendors and is therefore a detriment to obtaining the best possible value for each tax dollar.

3. An Irreproachable Standard of Personal Integrity on the Part of All Those Designated as Purchasing Agents for this Agency. Absolutely no gifts or favours are accepted by the purchasing agents of this agency in return for business or the consideration of business. Also, the purchasing agents of this agency do not publicly endorse one company in order to give that company an advantage over others.

4. Cooperation With Other Public Agencies in Order to Obtain the Best Possible Value for Every Tax Dollar. This agency is a member of a cooperative purchasing group. Made up of several public agencies, this group pools its expertise and resources in order to practice good value analysis and to purchase goods and services in volume and save tax dollars.

5. Continuous Development of Purchasing Skills and Knowledge. All members of the purchasing department of this agency take advantage of the many opportunities provided by the **Ontario Public Buyers Association** to further their knowledge of good public purchasing principles and to maintain excellent skills.

SCHEDULE "G"
BY-LAW (2009) - 18777

BID IRREGULARITIES

The Manager will be responsible for all action taken in dealing with bid irregularities, and will act in accordance with the nature of the irregularity as set out below:

BID IRREGULARITIES - SUMMARY

ITEM	DESCRIPTION	ACTION
1.	late bids (by any amount of time)	automatic rejection
2.	bids completed in pencil	automatic rejection
	bid surety not submitted with the bid when the bid request (or any addendum) indicated that such surety is required	automatic rejection
	EXECUTION OF AGREEMENT TO BOND: a. bond company corporate seal or equivalent proof of authority to bind company or signature missing or b. surety company not licensed to do business in Ontario	automatic rejection
	EXECUTION OF BID BONDS: a. corporate seal or equivalent proof of authority to bind company or signature of the bidder or both missing b. corporate seal or equivalent proof of authority to bind company or signature of bonding company missing	automatic rejection
	OTHER BID SECURITY: Cheque which has not been certified	automatic rejection
	bidder not attending mandatory site meeting	automatic rejection
	unsealed tender envelope	automatic rejection
	proper response envelope or label not used	acceptable if officially received on time
	pricing or signature pages missing	automatic rejection
	insufficient financial security (ie: no deposit or bid bond or insufficient deposit).	where security is required & amount is not specified in request, automatic rejection unless insufficiency is trivial or insignificant -where security is required and amount of security is specified in request, automatic rejection

**PAGE 2 of "SCHEDULE "G"
BY-LAW (2009) - 18777**

	bid received on documents other than those provided in request	automatic rejection unless specified otherwise in the request
	EXECUTION OF BID DOCUMENT Where a corporate bidder, proof of authority to bind is missing	automatic rejection
	part bid (all items not bid)	acceptable unless complete bid has been specified in the request
	bids containing minor clerical errors	5 working days to correct initial errors. City reserves the right to waive initialling and accept bid
	uninitialed change to the request documents which is minor (i.e.; the bidder's address is amended by overwriting but not initialled)	5 working days to correct initial errors. City reserves the right to waive initialling and accept bid
	alternate item bid in whole or in part	available for further consideration unless specified otherwise in request
	unit prices in the schedule of prices have been changed but not initialled	5 working days to correct initial errors. City reserves the right to waive initialling and accept bid
	mathematical errors which are not consistent with the unit prices	5 working days to initial corrections. Unit prices will govern
	page requiring completion of information by supplier is missing	automatic rejection
	bid documents which suggest that the bidder has made a major mistake in calculations or bid	consultation with the City Solicitor on a case-by-case basis and referenced within the staff report if applicable

NOTE: The above list of irregularities should not be considered all-inclusive. The Manager in consultation with the requisitioning department will review minor irregularities not listed. The Manager may then accept the bid, or request that the bidder rectify minor irregularity.