



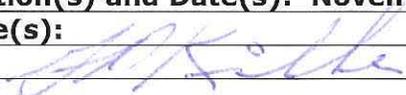
City of Leduc Policy

Policy Title: Procurement Policy

Policy No: 11.00:20.

**Supersedes: 12.06:10
and 12.06:16**

Revision #: 1

Authority (Council or City Manager): City Council	
Section: Administration	Approval Date: July 13, 2009
Responsible Department: Corporate Services	Effective Date: November 24, 2014
Relevant Legislation: Municipal Government Act s. 207, 208, 209, 210, 212 and 213	
Relevant Council Resolution(s) and Date(s): November 24, 2014	
Relevant Bylaw and Date(s):	
Authority's Signature: 	

POLICY STATEMENT:

The City of Leduc (the "City") is committed to the acquisition of Goods and Services of the appropriate quality and at the best value for the City while treating all Vendors equitably. The City is committed to creating and maintaining a high level of confidence in its Procurements of Goods and Services, by ensuring integrity, transparency, accountability, efficiency and consistency in its Procurement process, while recognizing the vast impact procurement has on the environment and acting within its authority under the federal and provincial legislation, regulations or agreements governing municipal procurement.

1.0: Purpose

- 1.1 To provide direction and guiding principles for all Procurement of Goods and Services.
- 1.2 To ensure Procurement of Goods and Services are in compliance with:
 - (a) the *Municipal Government Act*;
 - (b) *Agreement on Internal Trade (AIT)*, MASH Annex 502.4;
 - (c) *New West Partnership Trade Agreement (NWPTA)*;
 - (d) *Any subsequent federal or provincial legislation, regulations, or agreements governing municipal procurement; and*
 - (e) *All City policies, bylaws and established procedures governing standards of conduct by City employees.*

2.0: Definitions

- 2.1 “**City**” means the City of Leduc, in the Province of Alberta;
- 2.2 “**City Manager**” means the Chief Administrative Officer of the City, or whatever title the City may call the position from time to time;
- 2.3 “**Council**” means the municipal council of the City;
- 2.4 “**Goods**” means in relation to a Procurement, moveable property (including the cost of installing, operating, maintaining or manufacturing such moveable property) and includes supplies, materials, raw materials, products, equipment and other physical objects of every kind and description whether in solid, liquid, gaseous or electronic form;
- 2.5 “**Manual**” means the City of Leduc Procurement Manual, as amended from time to time;
- 2.6 “**Policy**” means this Procurement Policy;
- 2.7 “**Procurement**” means the acquisition by any means, including by purchase, rental, lease or conditional sale, of Goods and/or Services, but does not include:
- a. any form of government assistance such as grants, loans, equity infusion, guarantees or fiscal incentives; or
 - b. government provisions of Goods and/or Services to persons or other government organizations;
- 2.8 “**Services**” means all services to be supplied, including construction and consulting;
- 2.9 “**Vendor**” includes, but is not limited to, an individual, firm, partnership or proprietorship, supplier, contractor, architect, consultant, bidder or tenderer.

3.0: Guiding Principles

Open and Fair Competition

- 3.1 The objective of this Policy is to ensure that Goods and Services are acquired through a fair, open, transparent and competitive process that uniformly balances the interests of the taxpayers with the fair and equitable treatment of Vendors.
- 3.2 The Policy will promote and maintain the integrity of the Procurement process and protect Council, City employees and Vendors involved in the process, by providing clear direction and accountability.
- 3.3 All Procurement actions by the City shall be fair and impartial with no impropriety nor appearance of impropriety, ensuring that all qualified buyers and Vendors have access to the City's business, that no source is arbitrarily or capriciously excluded, and that there is competition for the City's business ensuring that the City receives best value in all of its procurement activities.
- 3.4 The City will maintain an open, transparent, and accessible procurement function, treating all Vendors fairly and equitably, including dealing with Vendor complaints, providing unsuccessful Vendors with feedback upon request, and maintaining records on Vendors' performance under contracts.

Sustainability

- 3.5 The City is committed to the Procurement of Goods and Services that are environmentally and ethically preferred wherever practical and economically feasible, where doing so will not significantly affect the intended use of the Goods and Services.
- 3.6 City employees will review all proposal and tender specifications to ensure that, wherever practical and economically feasible, specifications provide for expanded use of environmentally and ethically preferred Goods and Services.
- 3.7 In evaluating Goods and Services, City employees should take into consideration such factors as: durability; reusability; level of post-consumer waste and/or recyclable content; and recognized third party eco/ethical certification.

Local Suppliers

- 3.8 The City may provide preferential treatment to local Vendors when the Procurement of Goods and Services are under the Procurement limits as prescribed in NWPTA (\$75,000.00 for goods and services and \$200,000 for construction).
- 3.9 Notwithstanding section 3.8, purchases shall be at the best value to the City consistent with the required quality and service and factors such as price, availability, warranties, quality and serviceability shall be considered in determining the best value to the City.

Ethically Bound

- 3.10 The City is committed to acting ethically in all its Procurement practices.
- 3.11 City employees shall ensure that specifications in Procurement competitions are performance-based, accurate and clear, that consistent buying practices are maintained and that they remain free of any obligation to any Vendor or potential Vendor.
- 3.12 City employees must ensure that all Vendors and potential Vendors are treated equally under this Policy and all Procurement procedures and that neither an advantage nor disadvantage is created.
- 3.13 City employees are to exercise caution when dealing with Vendors or potential Vendors where there is the possibility or perception of a conflict of interest, either through a direct or indirect relationship of any kind. Such Vendor will not be disqualified due to the existence of such a conflict of interest provided that it is identified, recorded and acknowledged at the outset and proper precautions have been exercised to limit any such conflict of interest. City procurement documents will specify the requirement for Vendors to declare that there are no conflicts of interest or provide details of any actual or potential perception of conflicts of interest with City employees or elected officials.
- 3.14 City employees will not participate in any unfair, unethical or illegal procurement practices.
- 3.15 City employees will not use their public role to influence or seek to influence a City procurement decision which could further a personal interest of the employee.

Best Value Considerations

- 3.16 The City encourages the consideration of overall cost in the Procurement of Goods and Services, including but not limited to: acquisition costs, operating costs, life cycle costing, salvage value, availability, serviceability, and delivery. The City will consider and evaluate the relevant price and non-price factors prior to commencing the competitive process. Purchases shall be at the best value to the City consistent with the required quality and service and factors such as price, availability, warranties, quality and serviceability shall be considered in determining the best value to the City.

Vendors Acting in Good Faith

- 3.17 The City may refuse to do business with Vendors who do not act in good faith towards the City, whether by failing to live up to the terms and conditions of their agreement or contracts, or by entering into litigation with the City without valid justification.

Privacy

- 3.18 Pursuant to the City's obligations and duties under the *Freedom of Information and Protection of Privacy Act*, as amended or repealed and replaced from time to time, the City commits to protect confidential information from unauthorized access or disclosure, especially information of a confidential nature that is clearly marked as such.

Procurement Authority

- 3.19 Procurement authority is delegated from Council to the City Manager in accordance with this Policy and may be further delegated within the organization in accordance with approved delegation policies. In addition, signing authority for all agreements or contracts in relation to Procurement is delegated from Council to the City Manager. The delegated authority is limited to the amounts approved in operating and capital budgets approved by Council each year and spending resolutions approved by Council
- 3.20 The City Manager will maintain an effective system of written procedures and controls, including monitoring and reporting, to ensure that all procurement authority is being properly executed.

- 3.21 All purchasing transactions must be approved by employees charged with the delegated authority for the City.

Ongoing Monitoring

- 3.22 The City is committed to ensuring this Policy and all aspects of its procurement practices comply with the stated purpose(s) as set out herein, best practices applicable to Procurements, established standards and leading practices. As such, the City is committed to ongoing monitoring and periodic review of this Policy and its procurement practices. Such monitoring and review shall take place at a time, or times, as determined by Council, the City Manager, or Purchasing Officer.

Inquiries/Contact Person

Purchasing Officer



PROCUREMENT MANUAL

Approved by City Manager

 FEB 26, 2020

Acting City Mgr

Signature and date

Contents

1.0	Purpose of this Manual	3
2.0	Procurement Ethics	3
2.1	Business Relations with Vendors	3
2.2	Conflict of Interest	3
2.3	Equity	3
2.4	Confidentiality	3
2.5	Sustainability	4
3.0	Roles and Responsibilities	4
3.1	Purchasing Officer	4
3.2	City Solicitor	4
3.3	Departments and Individual Employees	5
4.0	Procurement Authority	5
5.0	The Procurement Process	5
5.1	Direct Purchase (\$10,000 or less)	6
5.2	Informal Competition (\$50,000 or less)	6
5.3	Formal Competition (Greater than \$50,000)	7
5.3.1	Request for Quotation	7
5.3.2	Invitation to Tender	7
5.3.3	Request for Proposal	7
5.4	Prequalification	8
6.0	Specifications	8
7.0	Advertising and Notifying Potential Vendors	9
8.0	Bid Opening (Formal Competition)	9
9.0	Acceptance or Rejection of Irregular Bids (Formal Competition)	9
10.0	Best Value	10
11.0	Award Considerations	11
12.0	Notification of Successful Vendor	11
13.0	Unsuccessful Vendor Notification/Debriefing	11
14.0	Emergencies and Other Exceptions to Competition (Single/Sole Sourcing)	12
15.0	Excess, Surplus, Obsolete or Salvageable Goods	12
16.0	General	13

1.0 Purpose of this Manual

The City is committed to the acquisition of Goods and Services of the appropriate quality and at the best value for the City while treating all Vendors equitably. The City is committed to creating and maintaining a high level of confidence in its Procurement of Goods and Services, by ensuring integrity, transparency, accountability, efficiency and consistency in its Procurement process, while recognizing the vast impact Procurement has on the environment and acting within its authority under the *Municipal Government Act*, the *Agreement on Internal Trade (AIT)* and the *Trade, Investment and Labour Mobility Agreement (TILMA)*.

It is important that in the expenditure of public funds the City maximizes the benefit to the City and therefore the public. All City employees shall pursue Procurement practices which promote the principles of economy, efficiency, effectiveness, equity and environmental responsibility.

The purpose of this Manual is to define roles, levels of responsibility, accountability and general processes to govern Procurement activities of the City in accordance with the Procurement Policy.

2.0 Procurement Ethics

In all Procurement activities, City employees shall embrace high ethical standards, exercise sound judgment and be guided in their conduct by the Code of Ethics Policy 12.06:05 and any successor policies.

2.1 Business Relations with Vendors

It is the responsibility of all employees involved in Procurement activity to establish a relationship of mutual confidence between the City and its Vendors, within the confines of applicable policy and law. Employees shall:

- ensure competition is open and fair;
- ensure specifications are generic, accurate and clear;
- employ consistent buying practices; and
- remain free of obligation to any Vendor.

2.2 Conflict of Interest

Employees are to exercise caution when dealing with Vendors or potential Vendors where there is the possibility or perception of a Conflict of Interest, either through a direct or indirect relationship of any kind. Such Vendor will not be disqualified due to the existence of such a Conflict of Interest provided that it is identified, recorded and acknowledged at the outset and proper precautions have been exercised to limit any such Conflict of Interest.

2.3 Equity

In all dealings with Vendors, employees must ensure that neither advantage nor disadvantage be created. All Vendors must be treated fairly and equally.

2.4 Confidentiality

Subject to the *Freedom of Information and Protection of Privacy Act (FOIPP)*, information regarding budget and cost estimates and any other information which may create an unfair advantage shall remain confidential and shall not be released to the public or a single potential Vendor. Further, the City is committed to ensuring that:

- a. subject to the requirement for a public opening as set out in this Manual, any and all information provided by a potential Vendor during either the Informal or Formal Competitive Bidding Process shall remain confidential pending Bid analysis and award;

- b. pricing and costs of competing Vendors and the names of Vendors shall not be released prior to award, or prior to public opening;
- c. information made available to potential Vendors shall be limited to the list of potential Vendors and total Contract price; and
- d. information made available to a potential Vendor must be made available to all potential Vendors.

2.5 Sustainability

All employees engaged in Procurement activities are charged with sourcing Goods and Services that are environmentally and ethically preferred wherever practical and economically feasible, without significantly affecting the intended use of the Goods and/or Services. Procurement specifications are to be reviewed and tailored to ensure that, wherever practical and economically feasible, environmentally and ethically preferred Goods and Services are favoured. Evaluation Criteria should include such factors as: durability; reusability; level of post-consumer waste and/or recyclable content; and recognized third party eco/ethical certification.

3.0 Roles and Responsibilities

The City's corporate Procurement model is based on the application of centralized procurement management with primarily decentralized purchasing activity conducted by individual Departments. This model allows Departments to apply their unique skills in decentralized purchasing activities while ensuring the City applies an overall uniform approach to its Procurement and maintains a high level of confidence in its Procurement process.

3.1 Purchasing Officer

The Purchasing Officer is responsible for:

- providing advice and assistance to employees on Procurement related activities;
- developing, publishing, applying and training employees with regards to Procurement related policies, procedures, standards and processes throughout the organization;
- providing centralized Procurement services where positive advantage exists, for example through coordinating and/or standardizing the Procurement of similar Goods and/or Services by Departments in order to optimize discounts available; and
- reviewing, electronically posting and guiding all opportunities through the Formal Competition process.

The Purchasing Officer is not responsible for Department purchases, issuing Purchase Orders or Contracts. Employees with Procurement authority are responsible for purchasing their own Goods and Services in accordance with the Procurement Policy and this Manual. The Purchasing Officer is not responsible for monitoring the Procurement practices of employees for compliance; however, the Purchasing Officer is authorized to conduct Procurement process reviews to ensure that practices are proper and current. Should the Purchasing Officer become aware of a situation that may be unethical, illegal or places the City in a position of unacceptable risk, then the Purchasing Officer will notify the appropriate supervisor of the matter. If the matter remains unresolved, the Purchasing Officer has the responsibility to advise the General Manager, Corporate Services and the City Solicitor of the matter.

3.2 City Solicitor

The City Solicitor is responsible for:

- drafting or approving standard Procurement forms (i.e. Requests for Quotations, Requests for Proposal, Expressions of Interest, Invitations to Tender) and Contracts for use in the Procurement process;
- reviewing Procurement documents and Contracts and consenting as to form; and

- providing advice to the Purchasing Officer on Procurement-related legal issues.

3.3 Departments and Individual Employees

Departments and individual employees exercising Procurement authority are responsible to ensure that all Procurement activities are carried out in accordance with the Procurement Policy, this Manual and all other applicable policies, procedures, guidelines and legal requirements. Specifically, this includes, but is not limited to:

- ensuring efficient, effective, economic and prudent use of public funds in Procurement activities;
- identifying specific needs for Goods and Services;
- planning appropriately for the Procurement of budgeted Goods and Services;
- consulting with the Purchasing Officer to identify centralized, pooled or cooperative Procurement opportunities;
- defining requirements and drafting clear, complete, non-biased, performance-based specifications for Procurement opportunities;
- maximizing competition in Procurement activities;
- completing the Procurement cycle (i.e. attending the public tender opening, completing the evaluation, awarding the contract, issuing the Purchase Order or Contract, justifying the award, managing the contract); and
- ensuring all Procurement processes are appropriately and completely documented for records retention purposes.

4.0 Procurement Authority

Unless otherwise approved by Council, all Procurement of Goods and Services must be approved in the annual budget. Formal approval of the budget constitutes approval for City administration to proceed with the Procurement process. The ability to incur the actual expenditures and sign Purchase Orders and Contracts is delegated to the City Manager in accordance with the Procurement Policy. There is no dollar limit on the delegation to the City Manager. The City Manager hereby delegates Procurement authority to City employees as follows:

General Managers	up to \$500,000
Directors	up to \$75,000
Designated Employees*	up to \$35,000

An individual who has been delegated Procurement authority may sign any Procurement document, Purchase Order or Contract, within the limits of their delegated Procurement authority, necessary to complete the Procurement and must ensure that the expenditure is within the approved budget. All employees with delegated Procurement authority are accountable for ensuring that their Procurement activities are in compliance with the Procurement Policy, this Manual and all other applicable policies, procedures, guidelines and legal requirements.

*A list of all Designated Employees and their delegated Procurement authority will be kept on file with the Purchasing Officer. General Managers and/or Directors delegating Procurement authority are required to submit and keep up to date the list of Designated Employees.

5.0 The Procurement Process

Procurement activities, regardless of the nature or value of the Goods or Services being acquired, involve the City in legally binding relationships with Vendors. It is essential that employees ensure that consistent ethical business practices are followed and that appropriate documentation is created to reflect the nature and substance of the relationship being established.

Procurement methods reflect the relative value of the Goods or Services being acquired. Procurements are to be conducted in accordance with the following processes:

Procurement Value*	Procurement Process
\$10,000 or less (goods, services, construction)	Direct Purchase
\$50,000 or less (goods and services) \$100,000 or less (construction)	Informal Competition
Greater than \$50,000 (goods and services) Greater than \$100,000 (construction)	Formal Competition

***The Procurement Values above refer to invoice cost exclusive of taxes.**

No Procurement is to be divided in order to avoid the requirements of the Procurement Policy, this Manual, or the City's obligations pursuant to the *Agreement on Internal Trade (AIT)* or *Trade, Investment and Labour Mobility Agreement (TILMA)*.

Where Goods or Services of a similar type are to be supplied on a repetitive basis from one or more Vendors either over a period of time, in a calendar year or over the course of a season, those Goods or Services shall be procured in accordance with the Procurement process applicable to Goods or Services having a Procurement Value equal to the total estimated cost of all such similar Goods and Services to be supplied in the term of contract, whole calendar year or during the course of the entire season as the case may be. The appropriate procedure above will be utilized according to the total dollar value.

5.1 Direct Purchase (\$10,000 or less)

1. Direct Purchase is reserved for low value/incidental purchases and is intended to expedite the acquisition of Goods and Services and reduce administrative costs.
2. Direct Purchases may be made using a Purchasing Card or properly authorized Purchase Order.
3. Employees using Direct Purchase must be able to demonstrate that fair market value was achieved in the Procurement.
4. Cardholders are responsible for reconciling their Purchasing Card as per the *Employee Purchasing Card Agreement*.
5. Employees issuing Purchase Orders are responsible for forwarding all completed Purchase Orders, packing slips, and other documentation to accounts payable for processing.

5.2 Informal Competition (\$50,000 or less for goods and services; \$100,000 or less for construction)

1. A competitive process intended for low to medium dollar value Procurements in which invited Vendors are given a reasonable and equal opportunity to provide the City with Goods and/or Services in response to identifiable needs.
2. A minimum of 3 quotes must be obtained from Vendors able to supply the Goods or Services, without formal advertising.
3. Quotes may be by telephone (documented), fax, email or written proposal in response to a Request for Quotation depending on the nature and complexity of the Procurement opportunity. The Purchasing Officer is to be consulted to determine which form of quote is appropriate in the circumstances.
4. All information provided to Vendors is to be identical.
5. The initiating employee may, in consultation with the Purchasing Officer, elect to follow the Formal Competition process if deemed appropriate.

6. The initiating employee shall be responsible for conducting this Procurement process, including but not limited to: drafting specifications; completing any Procurement forms; receiving and evaluating Quotes; issuing the Purchase Order or Contract (as applicable, in consultation with the Purchasing Officer); forwarding documents to records for filing.

5.3 Formal Competition (Greater than \$50,000 for goods and services; \$100,000 for construction)

1. A competitive process in which the relative value of the Procurement opportunity is such that all interested Vendors must be given equal opportunity to provide the City with Goods or Services in response to an identified need.
2. Opportunities shall be posted electronically to the Alberta Purchasing Connection (APC), or if the Procurement opportunity is Construction, to CoolNet, by the Purchasing Officer.
3. The selection of the appropriate method of Procurement (i.e., Pre-Qualification, Request for Quotation, Request for Proposal, Invitation to Tender, etc.) is to be determined on a case-by-case basis by the Purchasing Officer, in consultation with the initiating employee, based on the nature of the Procurement opportunity and level of risk exposure.
4. The Purchasing Officer will review the Procurement documents and work with the initiating employee to finalize the documents for posting.
5. The initiating employee shall be responsible for conducting this Procurement process, including but not limited to: drafting specifications; completing any Procurement forms; receiving and evaluating Bids; issuing the Purchase Order or Contract (as applicable, in consultation with the Purchasing Officer); forwarding documents to records for filing.

5.3.1 Request for Quotation

- Appropriate for low and medium value Procurements for known Goods or Services;
- Requirements and technical specifications are detailed and provided in the document;
- Unless otherwise specifically stated in the Procurement documents, it is a legally binding document between the City and all potential Vendors, in accordance with the terms and conditions attached to the Procurement documents and which forms the awarded Contract;
- Lowest priced response that best meets the specifications will be accepted unless Evaluation Criteria are used in which case the highest ranked Bid will be accepted.

5.3.2 Invitation to Tender

- Commonly used for major Construction projects and other high value Procurements;
- Used when the City knows what to do and how to do it;
- Used primarily when price or cost is the sole award factor; however, it may also be used when criteria other than price are the deciding factor;
- Contains very detailed requirements and technical specifications;
- Terms and conditions are considered mandatory requirements that must be met;
- It is a legally binding document between the City and all potential Vendors, in accordance with the terms and conditions attached to the Procurement documents and which forms the awarded Contract;
- It is intended to accept the lowest priced, compliant bid without negotiations;
- It should be used when a tight market requires security from the potential Vendors.

5.3.3 Request for Proposal

- Appropriate where a need is identified, but how it will be achieved is unknown at the outset;
- Allows Vendors to propose solutions or methods to arrive at an end product or solution;

- Provides Vendors with an opportunity to bid on Goods and/or Services using their unique skills;
- Specifications are general in nature;
- Vendor selection is based on Evaluation Criteria other than only price;
- The City may negotiate specific terms and conditions of the Contract with the selected Vendor following the closing of Bids;
- Used when the City wants to take advantage of the flexibility that the Request for Proposals offers with negotiation options;
- Is not legally binding on either party until the Contract is executed.

5.4 Prequalification

Prequalification reduces legal risks, as qualification takes place without worrying about possible contract lawsuits from disqualified Vendors. It cuts the work load by reducing the number of Vendors at an early stage. At the same time, it enforces the AIT and TILMA requirements for open and fair competition, having it available to all Vendors.

Prequalification is recommended when:

- a. the complexity of the Procurement requires better knowledge about the potential Vendors that may compete;
- b. a large number of responses are expected and the City's intention is to short-list and approach only short-listed Vendors; and
- c. the City does not have sufficient information about the Vendors market.

Prequalification can take the form of an Expression of Interest, Request for Information or Request for Qualification. If the City intends to proceed with the Procurement opportunity, Prequalification must be followed by either the Informal Competition or Formal Competition process, as applicable.

The Purchasing Officer should be consulted to determine whether Prequalification is appropriate for a particular Procurement opportunity.

6.0 Specifications

Preparation of the requirements, technical specifications or scope of work for the Goods or Services is the responsibility of the initiating employee. Specifications must be written in the broadest possible terms, avoiding all reference to manufacturers or brand names. Reference to manufacturers or brand names may be used for the purpose of indicating quality, character and compatibility only and must not denote preference. Specifications should include, but not be limited to: environmentally sound products, post-consumer content, quality, performance, availability of parts or service and any other characteristics as necessary.

Employees must fully consider the "purpose" of the Goods and Services when developing the requirements for the Goods and Services.

Specifications shall contain:

- clear and complete requirements of the Goods or Services;
- minimum standards expected of potential Vendors;
- requirements that will permit fair and equitable evaluation to select the successful Vendor;
- legal requirements that will protect the City by ensuring suitability and acceptability of potential and actual offerings of potential Vendors including financial security and insurance requirements;
- all mandatory standards that are required of the Goods or Services; and

- desirable technical standards that are preferred of the Goods or Services.

The acceptability of Alternate or Equivalent Goods and /or Services should be identified where possible. It must be very clear to all Vendors that the specifications establish minimum requirements only. If substitutions or equivalencies are not acceptable, a statement to this effect must be included in the specifications.

7.0 Advertising and Notifying Potential Vendors

Every effort must be made to ensure the City’s requirements are known to the broadest market possible and to all potential Vendors in the acquisition of Goods and/or Services. The City is committed to the following practices:

- All Procurement opportunities over \$50,000 (goods and services) and \$100,000 (construction) shall be posted on the Alberta Purchasing Connection (Coolnet for Construction) or any successor Government of Alberta Procurement advertising websites;
- If required by the initiating employee, other advertising options may include: the City of Leduc website, the Leduc Representative, regional newspapers, professional associations.

8.0 Bid Opening (Formal Competition)

- All Bids received in an Invitation to Tender shall be subject to public opening;
- The time, location and conditions of the public opening shall be made known in advance and shall be contained in the Procurement documents provided to potential Vendors;
- Only the name of the Vendor and the total cost or price in the Bid is to be released during a public opening;
- All Vendors are to be instructed that there will be no award at the public opening and all Bids will be subject to further review and analysis prior to award;
- All other aspects of the Bids are to remain confidential prior to award;
- Two City representatives are required to attend all public openings for the purpose of reading aloud the Bids received and recording the results;

9.0 Acceptance or Rejection of Irregular Bids (Formal Competition)

The City, in exercising its discretion to waive a minor or non-substantial irregularity in a Bid, shall follow the guidelines provided below:

	IRREGULARITY	RESPONSE
1	Late Bids (submitted after 2:00:00pm local time on the tender closing day)	Automatic rejection, do not open the Bid
2	Unsealed Bids	Automatic rejection, do not open the Bid
3	Bid not completed in non-erasable medium and not signed in ink	Automatic rejection
4	Incomplete Bids – partial Bids – all items not bid upon	Automatic rejection except where the tender form clearly states that an award may be made for individual items or where, in the opinion of the Purchasing Officer and the Department Director, the irregularity is trivial or insignificant.

5	Qualified Bids (condition or restriction on the Bid)	Automatic rejection except where the change is requested by the City, or where, in the opinion of the Purchasing Officer and the Department Director, the change is trivial or insignificant.
6	Financial security not submitted or insufficient (Bid Bond, Surety or other)	Automatic rejection
7	Bid not properly executed (signature or seal)	Automatic rejection
8	Mathematical errors	May be accepted if corrected in the checking/review procedure. Unit prices shall be used to correct extensions.
9	Corporate seal or signature of authorized agents of bonding company missing	Automatic rejection
10	Bids received on documents other than those provided in the Tender	Automatic rejection unless, in the opinion of the Purchasing Officer, the matter is trivial or insignificant.
11	Erasures, overwriting, corrections, or strikeouts not initialed: a) Changes which are minor (i.e. address, clerical error) b) Unit prices have been changed but not initialed and the Bid totals are consistent with the price as amended c) Unit prices have been changed but not initialed and the Bid totals as not consistent with the prices as amended	May be accepted, time limit given to initial change May be accepted, time limit given to initial change Automatic rejection
12	Minor clerical errors	May be accepted, time limit given to correct and initial
13	Other minor irregularities	The Purchasing Officer shall have the authority to waive irregularities deemed to be minor and immaterial, using a consistent approach to fair practices.

10.0 Best Value

All factors need to be fully considered in determining best value. These include but are not limited to:

- a. life cycle costs, i.e. the total cost from time of acquisition of the Goods through to disposal;
- b. method of purchase/payment; with the intent that the most appropriate method be used for the value of the Procurement to reduce internal processing across all Departments;
- c. payment terms on large dollar purchases or Contracts may be aggressively negotiated for additional discounts or payment installments/terms;

- d. freight cost must be considered in each transaction;
- e. delivery of Goods directly to the job site or workplace should be encouraged to reduce internal handling, warehouse and inventory;
- f. applicable taxes shall not be included in cost comparisons; and
- g. purchases outside of Canada are subject to duty, customs/brokerage charges, freight and exchange on the dollar, all of which are required to be included in cost comparisons.

11.0 Award Considerations

For Procurements that do not have Evaluation Criteria established, the lowest Bid meeting specifications will normally be accepted subject to the specific wording in the Procurement documents. If other than the low Bid is recommended by the initiating employee, written justification must be submitted to the Purchasing Officer prior to award. Normally, the only reasons acceptable for selecting other than the lowest Bid are where:

- a. the lowest Bid does not meet specifications materially;
- b. the Vendor submitting the lowest Bid cannot deliver within the time required; or
- c. acceptance of the lowest Bid would result in a higher overall or end cost.

Where the recommended Vendor is other than the lowest acceptable Vendor, the award for the Procurement must be approved by the General Manager of the initiating Department.

When price is not the sole awarding factor, evaluation and Vendor selection shall be based on Evaluation Criteria which must be identified and included in the Procurement documents provided to potential Vendors. The Evaluation Criteria shall be assigned weighting for analysis of Bids.

The Evaluation Criteria may include, but is not limited to:

1. **Project Understanding:** the degree of response to the published terms of reference will be of major importance in scoring this criterion. Vendors showing creativity and innovative approaches will score higher;
2. **Project Experience:** previous experience on similar projects is an important selection criterion;
3. **Staff Allocation:** experience of staff allocated and the assignment to specific project components will form the basis of this criterion;
4. **Estimated Time Required for Project:** the importance of this criterion will vary with the particular project;
5. **Sustainability:** how sustainable is the Vendor's proposed solution (environmentally and ethically)?
6. **Litigation:** is the Vendor currently in litigation with the City;
7. **Amount of Work Completed for the City in the Past:** the City strives to provide for more or less of an equitable distribution of available City business among qualified Vendors;
8. **Past Performance of City Contracts:** The quality and performance of previous Contracts, Goods or Services.

12.0 Notification of Successful Vendor

The successful Vendor shall be notified by the initiating Department as soon as possible after evaluation and selection.

A Contract or Purchase Order must be issued to confirm the award.

13.0 Unsuccessful Vendor Notification/Debriefing

- a. Upon completion and award of all Procurements where a Request for Quotation, Request for Proposal or Invitation to Tender has been used, the unsuccessful Vendors in the competition are to be notified that a successful Vendor has been selected. Copies of submitted Bids will not be provided.

- b. An unsuccessful Vendor may file a complaint with the City for any alleged wrongdoing in the Informal or Formal Competition process or recommendation of award. The City is committed to the highest standards of integrity with respect to dealing with Vendor complaints and any complaint will be handled with fairness and equity for all participants in a Procurement competition. All Vendor complaints are to be referred to the Procurement Officer for review. The Procurement Officer may review the complaint or may refer it to the General Manager, Corporate Services or City Manager for review and determination, in consultation with the City Solicitor where necessary, whether the complaint is material or valid.

14.0 Emergencies and Other Exceptions to Competition (Single/Sole Sourcing)

The City requires that Procurement be done on a competitive basis. Further, the City must strictly comply with the AIT and the TILMA. However, a competitive Procurement process is not required or even possible in all Procurements. Procurement without competition may only occur if one or more of the following conditions apply and a process of negotiation is undertaken to obtain the best value in the circumstances for the City:

- a. Low value/incidental Procurements subject to Direct Purchase (i.e. \$10,000 or less);
- b. Emergency: 'Emergency' purchases should not be the result of poor planning or incorrect allocation of resources. However, a single source acquisition is appropriate where the lack of immediate action could jeopardize City operations or the safety or health of the City's people or property. The Purchasing Officer shall be notified immediately of any Emergency Procurements and a written report detailing the circumstances shall be provided to the City Manager, with a report to Council if required.
- c. Sole Source acquisition where Goods or Services are only available from one Vendor by reason of:
 - i. a statutory or market based monopoly;
 - ii. scarcity of supply in the market;
 - iii. existence of exclusive rights (i.e. patent, copyright or license); or
 - iv. need to avoid violating warranties or guarantees.

Sole Source acquisitions are not permitted because there is a preference for a particular brand or Vendor. The Purchasing Officer shall be notified immediately of any intended Sole Source Procurements and a written report detailing the circumstances shall be provided to the City Manager, with a report to Council if required.

- d. Exempt Procurements:
 - i. from philanthropic institutions, prison labour or persons with disabilities;
 - ii. from a public body or a non-profit organization;
 - iii. of health services and social services;
 - iv. of services provided by lawyers and notaries;
 - v. of goods intended for resale to the public;
 - vi. when the Procurement is of a confidential or privileged nature and disclosure through an open bidding process could reasonably be expected to compromise confidentiality, cause economic disruption or be contrary to the public interest; or
 - vii. in the absence of a receipt of any bids in response to the Formal Competition process.

15.0 Excess, Surplus, Obsolete or Salvageable Goods

The City will dispose of surplus assets in a manner that is open and transparent and that ensures integrity, fairness, economy and protection of the environment. The Department Director is to notify the Procurement Officer of all excess, surplus, obsolete or salvageable Goods that are no longer of use to the Department as they become available for disposal. The Procurement Officer will then recommend a method of disposal or complete the disposal process. Methods of disposal include without limitation: donation to non-profit or charitable organization, direct negotiation

with Vendor, sealed bids or public tender, sale by public auction or consignment, trade-in, or transfer to another Department.

City employees shall have equal opportunity to purchase excess, surplus, obsolete or salvageable Goods through the selected competitive disposal methods. Direct sale of excess, surplus, obsolete or salvageable Goods to City employees should not be considered.

16.0 General

This Manual defines roles, levels of responsibility, accountability and general processes to govern Procurement activities of the City in accordance with the Procurement Policy. This Manual is not, however, an exhaustive, step-by-step procedure guide for every Procurement activity. All employees with delegated Procurement authority are accountable for ensuring that their Procurement activities are in compliance with the Procurement Policy, this Manual and all other applicable policies, procedures, guidelines and legal requirements. Employees are expected to keep up-to-date with proper Procurement practices and work closely with the Purchasing Officer to ensure the integrity of the City's Procurement process.

APPENDIX "A"

DEFINITIONS

Alternate Goods or Services: means a choice between two Goods or Services. The same Evaluation Criteria must be used to assess each Good or Service;

Bid: means for the purposes of this document only, a Tender, Proposal, Quotation, an offer or submission received from a Vendor in respect to an Invitation to Tender, Request for Proposal, Request for Quotation, or other form of solicitation;

City: means the City of Leduc, in the Province of Alberta;

City Manager: means the Chief Administrative Officer, or whatever title the City may call the position from time to time;

City Solicitor: means the individual accountable for providing legal services to the City;

Conflict of Interest: means a situation where the independence or impartiality of an employee's decisions or actions are impaired or may reasonably be expected to be impaired because of outside employment, political, business or family interests;

Construction: means a construction, reconstruction, demolition, repair or renovation of a building, structure or other civil engineering or architectural work and includes site preparation, excavation, drilling, seismic investigation, the supply of products and materials, the supply of equipment and machinery if they are included in and incidental to the construction, and the installation and repair of fixtures of a building, structure or other civil engineering or architectural work, but does not include professional consulting services related to the construction contract unless they are included in the procurement;

Contract: means a formal legal agreement between two or more parties, usually written, with binding legal and moral implications; usually exchanging Goods and/or Services for money or other considerations;

Council: means the Municipal Council of the City;

Department: means any department of the City;

Director: means the individual accountable for a specific portion of departmental operations of a Department of the City and who reports to a General Manager;

Designated Employee: means a City employee that is delegated authority by the City Manager, a General Manager or Director and is authorized under this Manual to undertake Procurement activities;

Emergency: means an **unforeseeable** situation of urgency and the Goods or Services cannot be obtained in time by means of an open Procurement process;

Equivalent Goods or Services: means having the same quality, the same performance or providing the same benefit. The same Evaluation Criteria must be used to assess each Good or Service;

Evaluation Criteria: means criteria set out in the Procurement documents which are to be used to evaluate a bid;

Expression of Interest: means a request by the City to determine the interest of potential Vendors to provide Goods and/or Services;

General Manager: means the individual accountable for the departmental operations of a City Department;

Goods: means moveable property (including the cost of installing, operating, maintaining or manufacturing such moveable property) and includes supplies, materials, raw materials, products, equipment and other physical objects of every kind and description whether in solid, liquid, gaseous or electronic form;

Invitation to Tender: means an invitation to submit a tender;

Manual: means the City's Procurement Manual;

Prequalification: means the process of short listing potential Vendors;

Procurement: means the acquisition by any means, including by purchase, rental, lease or conditional sale, of Goods and/or Services, but does not include:

- a. any form of government assistance such as grants, loans, equity infusion, guarantee or fiscal incentives;
- b. government provisions of Goods and/or Services to persons or other government organization;

Procurement Value: means the estimated total financial commitment resulting from a Procurement (G.S.T. excluded), not taking into account optional renewals when the compulsory part of the Contract is of at least one year's duration;

Purchasing Officer: means the designated person who provides support to those who have the authority to purchase Goods and/or Services;

Purchase Order: means a legal document which is the City's commitment to the Vendor for the purchase of Goods and/or Services at an agreed upon price, terms, conditions and delivery date. This definition shall also include change orders. It is also the Vendor's authority to ship and charge for Goods and/or Services specified in the Purchase Order;

Purchasing Card: means a charge card approved by the City that can be used by authorized employees to acquire low dollar value items as outlined in the applicable policies and procedures for the purchasing card;

Quotation: means a Vendor's submission in response to a Request for Quotation;

Request for Information: means a request issued by the City wherein further information regarding Vendors, Goods and/or Services is requested for Prequalification assessment;

Request for Proposal: means a request issued by the City wherein a Proposal sought;

Request for Qualifications: means a request issued by the City wherein the qualifications, experience and background of a Vendor is sought for the purpose of a Prequalification, in order to screen and short list potential Vendors;

Request for Quotation: means a Procurement request issued by the City wherein a Quotation is sought;

Services: means all services, including Construction;

Single Sourcing: means awarding a Procurement opportunity to a Vendor without competition for reasons specific to the situation (i.e. an Emergency), although competitive bids may be available;

Sole Sourcing: means awarding a Procurement opportunity to a Vendor without competition because that Vendor is predetermined to be the only source capable of providing the Goods and/or Services;

Tender: means an offer in writing to provide specified Goods and/or Services at a certain price, in response to an Invitation to Tender;

Vendor: includes, but is not limited to, an individual, firm, partnership or proprietorship, supplier, contractor, architect, consultant, bidder, or tenderer.