

Georgina Public Library Board Policy Manual

Policy Title: Procurement Policy

1. Introduction

1.1 Purpose

This document details the policy to be followed when acquiring deliverables for the Georgina Public Library (Library) and the disposal of surplus assets. The purpose is to ensure that deliverables are acquired in an open, fair and transparent manner, which protects the reputation of the Library, and increases the confidence of both the public and the participants in the procurement process. This policy shall work in conjunction with the procurement procedures.

This policy is based on the Town of Georgina's Procurement Policy and designed to mirror key functions and practices of the Town's Procurement policy in order to create a harmonious working relationship with Town Financial Services.

1.2 Guiding Principles

The overarching principle guiding this policy is to maintain the public's trust and reduce the Library's exposure to legal liability by ensuring that procurement decisions are made using a procurement process that is ethical, open, fair and transparent.

In acquiring deliverables, the Library shall also adhere to the following guiding principles:

- a) Promote effective, economic, and efficient acquisition;
- b) Act and conduct business with honesty and integrity;
- c) Treat vendors equitably, without discrimination;
- d) Develop, support, and promote the highest professional standards in order to serve the public good;
- e) Maintain a customer-service focus while meeting the needs, and protecting the interests of the Library and the public;
- f) Comply with known international, federal and inter-provincial trade treaties or agreements, as amended, where applicable;

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- g) To maintain the highest standards of integrity and professionalism with respect to the acquisition of deliverables and the managing of the procurement process by which deliverables are acquired; and
- h) Comply with and incorporate the requirements of *the Accessibility for Ontarians with Disabilities Act, 2005, S.O. 2005, c. 11*, as amended (the 'AODA') in the procurement process of the Library as well as any requirements contained in other legislation (either provincial or federal) which may impact the procurement process of the Library;
- i) Encourage, whenever possible, the acquisition of deliverables with due regard to the conservation of the natural environment;
- j) Support effective business planning such that deliverables shall only be acquired after consideration of need, alternatives, timing and appropriate life cycle management issues; and
- k) When evaluating bids, where possible, the Library shall consider the total acquisition value including, but not limited to, acquisition, training, operating, maintenance, quality, reliability, performance, warranty, payment terms, contract extensions, contract renewals and disposal costs.

2. Definitions of this Policy

The definitions of italicized terms used in the *policy* are set out in Schedule "A" – Definitions of this Policy.

3. Application

This policy shall apply to the acquisition of all deliverables made by or on behalf of the Georgina Public Library.

All individuals involved in the acquisition of deliverables provided for in this policy, shall act in a manner consistent with the requirements and objectives of this policy and should said individuals be found to have breached this policy, they may be subject to disciplinary action;

No acquisition for deliverables or disposal of personal property and real property shall be authorized unless it is in compliance with this procurement policy.

All acquisitions undertaken by the Library and its employees shall be executed in accordance with:

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- a) The procurement policy and any other relevant or related Library policies, codes of conduct or procurement procedures;
- b) All applicable Library business license requirements and Library codes of conduct; and,
- c) The Municipal Conflict of Interest Act, as amended and any other applicable Municipal, Provincial or Federal legislation.

4. Restrictions

- a) No Library employee, member of Library Board shall acquire, on behalf of the Library any deliverables, except in accordance with this policy and the restrictions set out herein;
- b) The acquisition of deliverables shall occur only if the necessary funds are available within an approved budget or the requisition is expressly made subject to funding approval and, to the extent that they may be required, funds are available from any other government agency on whose behalf the acquisition of deliverables is also being made;
- c) The Board has provided funds for such acquisition in the budget or otherwise agreed to the provision of such funds and no expenditure shall be authorized or incurred in excess of such funds;
- d) No contract, renewals or extensions for deliverables shall be divided into two or more parts to avoid the application of the provisions of this policy.
- e) No personal acquisitions shall be made by the Library directly or indirectly for members of the Board or their families;
- f) No Library employee, member of the Library Board shall cause or permit any potential vendor to have an unfair advantage or disadvantage in obtaining a contract for the supply of deliverables to the Library;
- g) No Library employee, member of the Library Board shall extend, in the discharge of his or her official duties, preferential treatment to relatives, friends, organizations or groups in which they or his or her relatives or friends have a pecuniary interest;
- h) No Library employee, former Library employee, member of the Board or any spouse (including common law spouse), parent, grandparent, sibling, child, grandchild, niece, nephew, uncle or aunt of a Library employee, or member of the Board, shall be permitted to acquire any surplus goods to be disposed of except by successfully bidding on the same at a public auction and in no case if the duties of that Library

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employee or Board member include making decisions regarding the disposal of such goods or activities relating to the conduct of the auction;

- i) No Library employees shall solicit, accept or condone the solicitation or acceptance of any gift, favour or form of entertainment and/or hospitality from any person or corporation having dealings with the Library unless in compliance with the staff code of conduct policy;
- j) No Library employee or Board member may supply deliverables as a vendor to the Library.

5. Exceptions

- a) This policy shall not apply to the acquisition or disposal of any real property or to any lease, right or permission relating to the use or occupation of real property;
- b) When the acquisition of deliverables is required under any lease of real property and is provided for under the terms of such lease, including tenant improvements, equipment and fixtures, the terms of the lease shall govern to the extent of any conflict with this policy;
- c) The open and competitive procurement process set out in this policy shall not apply to the acquisition of those items listed in "Schedule "B" - Exemptions to this Policy", or low value purchases, or as otherwise listed in this policy;
- d) Despite any other provision of this policy, the Board may authorize any acquisition or method of procurement where to do so would be in the best interest of the Library.

6. Roles and Responsibilities

6.1 General Responsibilities

All employees of the Library are responsible for complying with this policy and associated procurement procedures.

Employees involved in the procurement process must clearly understand their obligations and responsibilities under this policy and all applicable procurement procedures and should consult with the Chief Executive Officer in respect to any questions regarding the application or interpretation of this policy or the procurement procedures.

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All employees shall acquire deliverables within their purchasing authorities as prescribed in “Schedule “F” – Purchasing Authorities of this Policy” and “Schedule “G” – Purchasing Authorities of this Policy – Emergency Acquisition”.

All acquisitions shall be subject to all applicable Library policies and procedures, specific provisions of the Municipal Act, and all other applicable provincial and federal legislation and international treaties.

6.2 Chief Executive Officer

The Chief Executive Officer (CEO) shall be responsible for:

- a) Ensuring compliance with this policy and reporting serious or repetitive incidents of non-compliance to the Board, as warranted;
- b) Submitting recommendations and reports to the Board, as required under this policy;
- c) During the time that regular Board meetings are suspended, during a period of recess, or for an emergency, the CEO shall be authorized to award contracts as a result of a procurement process that normally would require Board approval, provided that a report is submitted to the Board afterwards, setting out the details of any contract awarded pursuant to this authority;
- d) Approving the delegation of purchasing authority limits to Library employees in compliance with applicable Library policies.
- e) Overseeing the conduct and activities of Library employees in carrying out the Library’s procurement process;
- f) Approving procurement procedures and protocols;
- g) Establishing procurement procedures consistent with this policy; and
- h) Ensuring the consistent application of procurement policy and related procurement procedures and providing procurement services in an efficient and diligent manner.

6.3 Branch Managers

Branch Managers shall be responsible for:

- a) Compliance with this policy and all applicable policies;
- b) Initiating purchase order requests for approval by the CEO;

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- c) Ensuring that acquisitions of deliverables are made in accordance with the Library's procurement policy and procedures;
- d) Monitoring all contract expenditures against the awarded contract or purchase order value and ensure compliance with budgetary limits;
- e) Monitoring the performance of all contractors in accordance with the Library's Contractor Performance Procedure;
- f) Identifying and addressing non-compliance with this procurement policy and procedures; and
- g) Notifying the CEO to obtain guidance with respect to mitigating potential risks to the Library arising from the non-compliance upon discovery of instances of non-compliance.

7. Vendor Conduct and Conflicts of Interest

- 7.1 The Library expects its vendors to act with integrity and conduct business in an ethical manner.
- 7.2 The Library may refuse to do business with any vendor that:
 - a) Has engaged in illegal or unethical bidding practices;
 - b) Has an actual or potential conflict of interest; or
 - c) Fails to acknowledge and adhere to the Library's supplier code of conduct.
- 7.3 Illegal or unethical bidding practices include, but are not limited to:
 - a) Bid-rigging, price-fixing, bribery or collusion or other behaviours or practices prohibited by federal or provincial statutes;
 - b) Attempting to gain favour or advantage by offering gifts or incentives to Library employees or members of Library Board;
 - c) Lobbying members of the Board or employees or engaging in any prohibited communications during a procurement process;
 - d) Submitting inaccurate or misleading information in response to a procurement opportunity; or
 - e) Engaging in any other activity that compromises the Library's ability to run a fair procurement process.

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- 7.4 All vendors participating in a procurement process must declare any perceived, potential or actual conflicts of interest.
- 7.5 Where a vendor, a consultant or an individual participates in the development of a bid call document or the specifications, in whole or part, that vendor, consultant or individual shall not be permitted to submit a bid for the subsequent acquisition of deliverables arising from the resulting bid call document.

8. Procurement Process

Any acquisition(s) made by a Library employee shall be undertaken in accordance with the procurement processes described within this policy, the procurement procedures and any other applicable Library policies and procedures.

Acquisitions of information and communications technology, computer equipment or software shall be made with prior consultation with the Town Information Technology Services and in compliance with the appropriate procurement process as outlined in this policy.

9. Standard Procurement Methods

9.1 Request for Information (RFI)

A request for information (RFI) shall be issued for the purpose of compiling available market information and capabilities of various vendors in providing deliverables to the Library in order to make informed acquisition decisions and may be followed by a subsequent request for tender or request for proposal.

The receipt of a submission in response to a RFI shall not create any contract obligations on the part of the Library. The Library is not required to proceed with any further procurement process following a RFI.

9.2 Request for Expressions of Interest (REOI)

A request for expression of interest (REOI) shall be issued for the purpose of compiling a list of potential vendors who may be interested in providing deliverables to the Library. A REOI is often done in the early stages of the procurement process as a means for the Library to seek industry input into scoping requirements for a project that is intended to go back out to market at a later date.

The REOI is also an opportunity for interested parties to respond with the requested information so that they may be informed about future announcements related to the project, including the competitive selection process. The receipt of a submission in response to a REOI shall not create any contract obligations on the part of the Library.

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The Library is not required to proceed with any further procurement process following a REOI.

9.3 Request for Pre-Qualification (RFPQ)

A request for pre-qualification (RFPQ) shall be issued when seeking the submission of information, including, but not limited to a potential vendor's experience, financial strength, education, background and personnel of firms or corporations who wish to qualify to be able to compete to supply deliverables to the Library.

An RFPQ is typically used as the first stage in a two-stage procurement process in order to short-list the most qualified vendors. The second stage is either a request for proposal (RFP) or a request for tender (RFT) for specific deliverables. The receipt of a submission in response to a RFPQ shall not create any contractual obligation on the part of the Library. The Library is not required to proceed with any further procurement processes following a RFPQ.

9.4 Low Value Purchase (LVP)

A low value purchase (LVP) shall be conducted for the acquisition of deliverables having an estimated acquisition value as stated in "Schedule "E" - Thresholds of this Policy" (including non-refundable HST).

These acquisitions must be made utilizing either a purchase order or a purchase card. This procurement process can be conducted by the requisitioning department, or if they so desire, with the assistance of the Town's Procurement Services.

9.5 Quick Bid Request for Quotation (QBRFQ)

An informal quick bid request for quotation (QBRFQ) may be issued for the acquisition of deliverables having an estimated acquisition value as stated in "Schedule "E" - Thresholds of this Policy" (including non-refundable HST) employing a reduced advertising period than a request for quotation (RFQ).

Any irregularities in the bid shall be dealt with in accordance with "Schedule "C" - Bid Irregularities of this Policy", and in compliance with the procurement process stated in this policy.

9.6 Request for Quotation (RFQ)

A formal request for quotation (RFQ) may be issued for the acquisition of deliverables having an estimated acquisition value as stated in "Schedule "E" - Thresholds of this Policy" (including non-refundable HST).

Any irregularities in the bid shall be dealt with in accordance with "Schedule "C" - Bid Irregularities of this Policy", and in compliance with the procurement process stated in this policy.

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9.7 Request for Tender (RFT)

A formal request for tender (RFT) shall be conducted for the acquisition of deliverables having an estimated acquisition value as stated in “Schedule “E” - Thresholds of this Policy” (including non-refundable HST), and where all of the following criteria apply:

- a) Two or more sources are considered capable of supplying the deliverables;
- b) The specifications for deliverables can be adequately defined;
- c) The market conditions are such that bids can be submitted on a competitive pricing basis; and
- d) It is intended that the lowest cost bid shall be accepted

In the case of a pre-qualified RFT, only the selected pre-qualified vendors shall be notified.

Any bid irregularities shall be dealt with in accordance with “Schedule “C” - Bid Irregularities of this Policy”, and in compliance with the procurement process stated in this policy.

9.8 Request for Proposal (RFP)

A formal request for proposal (RFP) shall be conducted for the acquisition of deliverables having an estimated acquisition value as stated in “Schedule “E” - Thresholds of this Policy” (including non-refundable HST), and where price is not the primary evaluation factor. An RFP bid call document may provide for negotiation of all terms, including price prior to contract award. An RFP may include the provision for the negotiation of best and final offers and may be a single stage or multi stage RFP.

The goals of an RFP are;

- a) To implement an effective, objective, fair, open, transparent, accountable and efficient procurement process for obtaining unique proposals designed to meet broad outcomes to a complex problem or need for which there is no clear or single solution; and
- b) To select the proposal that earns the highest total score and meets the requirements specified in the bid call document, based on qualitative, technical and pricing considerations.

This procurement process can be used for any dollar value, when the requirements cannot be definitely specified. An RFP may be conducted for the procurement of deliverables when any of the following criteria apply:

- a) The selection of the contractor depends more upon the effectiveness of the proposed solution, than the price alone;
- b) It is expected that negotiation with one or more contractors may be required with respect to any aspect of the contract; and

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- c) The precise deliverables, or the specifications are not known or are not definable and it is expected that the contractor will further define them.

In the case of a pre-qualified RFP, only the selected pre-qualified *contractors* shall be notified.

The evaluation of an RFP shall be split between technical and financial scoring in a weighting that is equal to one hundred (100) percent (i.e. 80% / 20%).

A two envelope RFP procurement process consists of two stages:

In Stage 1, the evaluations of technical qualifications are conducted. This stage may include *vendor* presentations and interviews.

In Stage 2, the evaluations of financial *submissions* are conducted. Financial evaluations shall be conducted on *vendors* that met or exceeded the minimum point score on the technical evaluations in stage one.

Any *proposal irregularities* shall be dealt with in accordance with Schedule "D" - Proposal Irregularities of this Policy, and in compliance with the *procurement process* stated in this *policy*.

10. Alternative Procurement Methods

10.1 Unsolicited Bid / Proposal

The Library shall not consider an unsolicited bid or proposal and/or communication with respect to a potential unsolicited bid or proposal.

10.2 Negotiation

The CEO or designate may use negotiation as a procurement process of deliverables for any contract when any of the following criteria apply:

- a) The deliverables are deemed necessary by the Chief Executive Officer as a result of an emergency acquisition which would not reasonably permit the use of any other prescribed procurement process;
- b) Due to abnormal market conditions, the deliverables required are in short supply;
- c) Where competition is precluded or severely restricted due to the existence of any patent right, copyright, technical secret or control of raw material;
- d) Where only one submission is received and it exceeds the amount budgeted for the acquisition;

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- e) Where the lowest compliant bid exceeds the approved budget of the deliverables and it is impractical to re-bid;
- f) Where all submissions fail to meet the specifications or terms and conditions and it is impractical to re-bid;
- g) When no submissions are received in a bid call and time deadlines make it impractical to re-bid;
- h) An attempt, or attempts to acquire the required deliverable has been made in good faith using a competitive procurement process which has been unsuccessful in identifying a contractor and it is not reasonable or desirable that a further attempt to acquire the deliverables using a procurement process be made other than negotiation;
- i) With the highest evaluated respondent to a RFP. If a negotiated settlement cannot be reached, the Library may proceed to negotiate with the next highest evaluated respondent until a contractor is selected;
- j) Where, for security or confidentiality reasons, it is in the best interest of the Library;
or
- k) Where authorized by the Library Board to do so.

10.3 Emergency Purchases

Notwithstanding the provisions of this policy, an emergency acquisition shall be made, without issuing a bid call document, and may include negotiation when the Board Chair or the Chief Executive declare an emergency and the immediate acquisition of deliverables is necessary to prevent or alleviate:

- (a) a serious delay in service delivery;
- (b) a threat to the health, safety or welfare of any person;
- (c) the disruption of essential services; or
- (d) damage to Library property.

For greater clarity, an emergency acquisition does not include a situation that has arisen due to a failure to plan to allow sufficient time for a competitive procurement process.

Subsequent to the conclusion of an emergency event, the Chief Executive Officer shall submit a report to the Board explaining the actions taken and the reason(s).

10.4 Single Source Acquisition

A single source procurement process may be used, subject to the approval of CEO, if

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the deliverables are available from more than one source, but there are valid and sufficient reasons as determined for selecting one vendor in particular, including one or more of the following:

- a) An attempt to acquire the required deliverables by soliciting competitive bids has been made in good faith, but has failed to identify more than one vendor;
- b) The deliverable is acquired for testing or trial use;
- c) The confidential or security-related nature of the requirement is such that it would not be in the public interest to solicit competitive bids;
- d) There is a need for standardization or compatibility with deliverables previously acquired;
- e) Where necessary to maintain an existing warranty from a previous or existing vendor;
- f) Where only one authorized dealer/reseller is offering the deliverables due to franchise restrictions;
- g) The deliverables are acquired under circumstances which are exceptionally advantageous to the Library, such as in the case of a bankruptcy or receivership;
- h) It is advantageous to the Library to acquire the deliverables from a vendor pursuant to the procurement process conducted by another government agency;
- i) It is advantageous to the Library to acquire the deliverables directly from another public body;
- j) Another organization is funding or substantially funding the acquisition and has selected the vendor, and the terms and conditions of the commitment into which the Library shall enter are acceptable to the Library;
- k) Where due to abnormal market conditions, the deliverables required are in short supply;
- l) Where goods are offered for sale to the Library by auction or negotiation, such an acquisition shall be deemed to be a single source acquisition and authorization to submit a bid or conduct negotiations in compliance with Schedule "E" - Thresholds of this Policy (including non-refundable HST) where the acquisition is determined to be clearly in the best interest of the Library.

Before the award of a contract using the above rationale, the requisitioner shall perform due diligence by exploring price negotiation possibilities with the selected vendor.

There must be sufficient justification provided to the CEO prior to awarding a contract pursuant to the single source procurement process.

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The award of Single Source contracts shall be in compliance with “Schedule “E” – Thresholds of this Policy” (including non-refundable HST).

10.5 Sole Source Acquisition

A sole source acquisition may be conducted for the acquisition for deliverables without the competitive procurement process, subject to the approval of the C.E.O, when one or more of the following circumstances apply:

- a) Competition is precluded due to the application of any Act or legislation or because of the existence of patent rights, copyrights, license, technical secrets or controls of raw material;
- b) One available vendor’s unique ability or capability to meet the particular requirements of a bid call document;
- c) Statutory or market based monopoly; or
- d) The complete deliverable is unique to one vendor and no alternative or substitute exists.

The award of sole source contracts shall be in compliance with “Schedule “E” – Thresholds of this Policy” (including non-refundable HST).

10.6 Price Agreements

A bid call document may be issued in accordance with this policy in order to establish price agreements for the acquisition of deliverables for a specified time.

The Library shall have no obligation to any vendor to order any deliverable under a price agreement, unless otherwise agreed upon, in writing, pursuant to a contract between the Library and the vendor.

10.7 Co-Operative Procurement and Piggyback

The Library may participate in co-operative procurement with government agencies, public authorities, public library consortiums or other public libraries, where it is in the best interest of the Library to do so.

The Library may also piggyback on government agencies or public authorities contracts where it is in the best interest of the Library to do so. The Library may also allow other government agencies or public authorities to piggyback on contracts established by the Library.

If the Library decides to participate in a co-operative procurement or piggyback contract, then the procurement policies and procurement procedures of the government agencies,

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public authorities or library consortium, calling the bid on behalf of the participants are to be the accepted policies and procedures and the Library is not required to be named in the initial cooperative bid call documents.

Notwithstanding any other provision of this policy, an acquisition may be made directly from a vendor if the CEO determines that a government agency has followed a competitive method for the acquisition of deliverables and the following additional conditions exist:

- a) The same deliverables shall be made available to the Library for the same or better price than the price that the Library could secure on its own;
- b) The acquisition of deliverables by the Library is within the approved budget; and
- c) The vendor is not suspended or in litigation with the Library.

The award and contract execution in relation to an acquisition made by another government agency shall be in accordance with the authorities applicable to a competitive procurement as set out in this policy.

10.8 Non-Binding Request for Proposal

A non-binding request for proposal (RFP) may be used where, in the opinion of the CEO, it is in the best interest of the Library.

It is not the intent of the Library, nor the effect of this non-binding RFP to initiate or form contract relations by the submission of a proposal by any contractor in response to this RFP. The RFP is merely a call for proposals and not a bid call intending to place legally binding obligations on the Library or any contractor to enter into a definite contract or to be bound by any of the terms of this RFP, unless and until, the Library has completed the evaluation, negotiation and finalization of a proposal satisfactory to both the Library and the selected contractor.

10.9 In-House Bids

The Library does not currently permit library employees to compete with external entities for acquisition opportunities.

10.10 Consulting and Professional Services

Consulting and professional services shall follow the prescribed procurement process based on the estimated acquisition value as stated in "Schedule "E" - Thresholds of this Policy" (including non-refundable HST).

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11. Local Preference

The Library shall endeavour to achieve best value in its commercial transactions. Therefore, the Library shall not practice local preference in awarding contracts. This will allow the Library to comply with the Discriminatory Business Practices Act, R.S.O. 1990, and Chapter D12, as amended and all applicable Treaties.

12. Bid Review Panel

If a submission contains an irregularity, or if there is a challenge to the procurement process, the issue shall be referred to the bid review panel to determine whether the submission complies with the requirements set out in the bid call document or to determine the validity of the challenge.

A bid review panel composed of, at a minimum, the following:

1. CEO (or designate);
2. Branch Manager; and
3. A Library employee.

The composition of the bid review panel may include other Library employees as required depending on the nature of the deliverables being acquired.

The bid review panel's responsibilities include, but are not limited to, reviewing and making recommendations on action to be taken related to;

- a) Submission irregularities or other issues pertaining to a bid or proposal, and/or;
- b) Bid challenges.

The bid review panel shall use "Schedule "C" - Bid Irregularities to this Policy", to determine the action that shall be taken if a bid irregularity exists, except for proposal irregularities, which shall be determined in accordance with "Schedule "D" Proposal Irregularities to this Policy".

If the bid review panel does not agree unanimously that the submission shall be accepted or rejected, the matter shall be forwarded to the Library's Solicitor for an opinion on recommended action.

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13. Bid / Proposal Irregularities

The CEO shall exercise judgement in determining compliant submissions and consult with the bid review panel when a bid irregularity or proposal irregularity occurs.

“Schedule “C” - Bid Irregularities to this Policy”, and “Schedule “D” – Proposal Irregularities to this Policy” shall be used to determine the action that shall be taken if a bid irregularity or proposal irregularity is deemed to exist.

The description on Schedules “C” and Schedule “D” should not be considered to be an exhaustive list of all possible irregularities for bids or proposals. The C.E.O after consultation with the bid review panel, may reject a submission based on a bid or proposal irregularity not listed in the description that is considered a material irregularity.

The CEO or designate shall notify bidders whose bids or proposals are rejected due to an irregularity prior to any bid award.

14. Bid Debriefing

The purpose of debriefing is to explain to unsuccessful vendors why their submission was not accepted, allowing them to improve their future submissions and submit more competitive bids. A debriefing establishes and maintains the Library’s reputation as a fair, honest and ethical entity, ensuring that high quality vendors are encouraged to make future submissions.

Following the award of a contract, a debriefing will be provided upon request as long as the request for a debriefing is made within fourteen (14) calendar days following the award of contract being made public on the Library’s e-procurement website.

Debriefing may be conducted via telephone or in person.

A debriefing may include the following, as applicable:

1. The name(s) of the contractor;
2. The total evaluated price of the contractor for a request for tender;
3. The total evaluated score of the contractor for a request for proposal;
4. An outline of the reasons the vendor’s submission was not successful according to the evaluation criteria and selection methodology; and
5. Scores achieved on all rated criteria with sufficient detail for the vendor being debriefed to understand why those scores were assigned.

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15. Bid Dispute Resolution

In the event any vendor involved in a procurement process with the Library presents a dispute in writing in regards to the procurement process made within fourteen (14) calendar days following the award of contract being made public on the Library's e-procurement website, the following dispute resolution process shall be followed:

- (a) The vendor identifying the dispute shall be required to state the nature of the dispute in writing, giving full details and history of the events leading to the dispute claim, addressed to the CEO;
- (b) The award of any contract shall not be rescinded nor the progress of any project be delayed by a request for dispute resolution unless recommended by the CEO.
- (c) Upon receiving the dispute claim, a bid debriefing will take place with, at a minimum, the CEO and up to two Representatives of the vendor.
- (d) The CEO shall convene the bid debriefing between the parties within thirty (30) calendar days of the receipt of the dispute claim. The meeting will be structured to assist the vendor to both understand the procurement process that occurred and to assist in improving their future bids to the Library.

16. Tied Bids Received

In the case of a tied bid between two bidders and where multiple awards are not possible, a coin toss as prescribed in the Procurement Services procurement procedures manual shall be conducted by the CEO.

In the case of tied bids between three or more bidders and where multiple awards are not possible, the Library shall determine the contractor by a lottery draw as prescribed in the Procurement Services procurement procedures manual.

17. Contingency Management

Contingency means an event or circumstance that gives rise to an increase in a contract price and which could not have been reasonably anticipated at the time of contract award.

Where the acquisition cost of an awarded contract that required Board approval, through a budget process or otherwise, is expected to exceed the approved amount and approval of additional contingency funds are required:

- a) The CEO may approve the overage so long as the amount of the cumulative overages for the awarded contract is within the purchasing authority of the position, is ten percent (10%) or less of the value of the contract, and the project remains within the

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approved project budget;

- c) The Library Board shall consider and may subsequently approve the overage where the cumulative overages for the awarded contract is at or exceeds fifteen percent (15%) of the value of the contract.

18. Scope Change

Scope change is any change to the scope of an awarded contract to accommodate a need not originally provided for in the contract.

Where scope change is beneficial to the Library, and it is for deliverables similar in nature to those under contract, approval shall be acquired as follows:

- a) The CEO may approve the overage so long as the amount of the cumulative overages for the contract is within the purchasing authority of the position, is ten percent (10%) or less of the value of the contract, and the project remains within the approved project budget; and
- b) The Board shall consider and may subsequently approve the overage where the cumulative overages for the contract is at or exceed ten percent (10%) of the value of the contract. The Board may request a new procurement process for any cumulative overages for the contract exceed fifteen percent (15%).

19. Contractor Performance

The CEO and Branch Manager of the requisitioning branch shall be responsible for monitoring the performance of all contracts in accordance with the Library's Contractor Performance Procedure.

20. Prescribed Board Approval

Despite any other provision of this policy, save and except for the circumstances in Section 6 - Roles and Responsibilities, the following contracts require Board approval, prior to award:

- a) Any contract prescribed by a court order;
- b) Any award where the Board has required final approval to award;
- c) Where the procurement policy is being suspended;
- d) Where there is no provision in the Library's annual budget for the deliverable subject to the contract or purchase order;

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- e) Where the acquisition value proposed for acceptance is higher than the Board's approved budget and where negotiated attempts to reduce the acquisition value within the approved budget were unsuccessful;
- f) Where the acquisition value of an awarded contract that required Board approval, through a budget process or otherwise, is expected to exceed the approved amount by greater than fifteen percent (15%) and approval of additional contingency is required and the project remains within the approved project budget;
- h) Where staff recommends a scope change for an awarded contract where the cumulative overages for the contract is at or exceeds fifteen percent (15%) and less than twenty five percent (25%) and the project remains within the approved project budget;
- h) Where there is an unresolved bid or proposal irregularity or challenge in connection with the procurement process and, in the opinion of the CEO, in consultation with the Library's Solicitor, the award of the contract is likely to expose the Library to legal, financial or reputational risk.
- i) Where authority to approve has not been expressly delegated;
- j) Any contract having an acquisition value, requiring Board approval in accordance with "Schedule "E" - Thresholds of this Policy" (including non-refundable HST);

21. Surplus Assets

On an annual basis or at such other time as may be prescribed, all goods of the Library, which have become surplus to its needs and are to be disposed of, shall be listed with reasonable particularity and such lists shall be provided to Town Procurement Services for disposal.

The CEO shall then have the authority to sell, or dispose of such surplus assets and /or obsolete equipment or to exchange or trade the same for replacement assets.

Surplus Assets not required by any Library shall be disposed of by means of public auction or advertised for public tender and sold to the bidder submitting the highest priced bid. Alternatively, at the discretion of the CEO, where the estimated value is one hundred dollars (\$100.00), Surplus Assets may be donated for a registered charitable or benevolent purpose to a community organization.

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22. Procurement Documents and Records Retention

All procurement documents and contracts executed pursuant to this policy, as well as any other pertinent information for reporting and auditing purposes, must be retained in a recoverable form in accordance with the Library's records retention policy.

23. By-Law Review

This policy shall be reviewed and evaluated for effectiveness at least every four (4) years from the date of its enactment. A review may be conducted at any time if the CEO or Board deems it necessary.

24. Amendments

Schedules "A" through "E" to this policy may be amended from time to time upon the approval of the Chief Executive Officer in order to add, delete or modify matters listed.

25. Severability

Should any section or sections of this policy or parts thereof be found by an adjudicator of competent jurisdiction to be invalid or beyond the power of the Board to enact, such Section or Sections or parts thereof shall be deemed to be severable and all other Sections or parts of the policy shall be deemed to be separate and independent there from and shall continue in full force and effect.

26. Short Form Title

The short form of this document shall be "Procurement Policy"

POLICY HISTORY	
Initial Draft:	10 July 2018
Board Adoption:	19 July 2018
Board Review:	

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Schedule “A” – Definitions of this Policy

In this *policy*:

"*Acquisition*" or "*Procurement*" includes a purchase, rental, *lease* or conditional sale, of *deliverables*, but does not include:

- (a) Any form of assistance such as grants, loans, equity infusion, guarantees or fiscal incentives;
- (b) Provision of *deliverables* to *persons* or other government organizations;
- (c) A revenue generating arrangement; or
- (d) Acquisition of *real property*;

"*Acquisition Value*" means the total financial commitment resulting from a *procurement process*, including all expenses related to fully executing all available renewals and contract extension options available in the contract in Canadian currency, exclusive of taxes.

"*Authority*" or "*Authorized*" means the legal right to conduct the tasks outlined in this *policy* as directed by the Library Board and delegated through the office of the *Chief Executive Officer* to the *Branch Managers*. *Authorized acquisitions* are those that have prior approval of the Board either through resolution or through the Departmental budget.

"*Award* or *Acceptance*" means the notification to a bidder of *acceptance* of a bid, which brings a contract into existence;

"*Best Interest*" means the discretion the Library has to take the most advantageous action on behalf of the Library;

"*Best Value*" means that an acquisition represents the optimal balance of high quality and financial terms; and might not be lowest cost;

"*Bid*" or "*Bids*" means an offer or *submission* received in response to a call for *bids*, and includes a proposal;

"*Bidder*" means any legal entity that submits a *bid* in response to a call for *bids*, and may include "*proponent*" or "*respondent*";

"*Bid Bond*" means a bond given to the Library to guarantee entry into a *contract*. This bond is given to indemnify the Library against increased costs if the *bidder* does not carry out the specified undertaking to enter into a *contract*.

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“*Bid Call Document*” means the *Library’s bid* document which may be in the form of *request for quotation (RFQ)*, *request for proposal (RFP)*, *request for tender (RFT)*, or other RF bid documents;

“*Bid Dispute Resolution*” means a provision in the *procurement procedures* which outlines procedures to ensure that a protest to a *bid* is handled in an ethical, fair, reasonable and timely fashion;

“*Bid Irregularity*” means a deviation between the requirements (terms, conditions, *specifications*, special instructions) of a *bid* call and the information provided in a *submission*. Schedule “C” Bid Irregularities of this *Policy* establishes the action that shall be taken;

“*Bid Review Panel*” means employees of the Library, appointed pursuant to this *policy* to review *bid irregularities*, *proposal irregularities* or other issues pertaining to a *Bid* including, a *bid protest*, in accordance with the Library’s *procurement Policies* and *procedures* and may include Library solicitor;

“*Board*” means The Georgina Public Library Board;

“*Chief Executive Officer*” means the individual occupying the office of *Chief Executive Officer* of the Georgina Public Library, or such successor office as the case may be;

“*Committee*” means a body of one or more individuals that can be comprised of members of *the Board*. Each *committee* has a different functional specialization and their type of work differs depending on the subject.

“*Competitive Procurement*” means a *procurement Process* followed in order to provide an equal opportunity to multiple *vendors*, whether by invitation or by advertisement to the public, to bid on a *contract* as set out in a *bid call documents*;

“*Conflict of Interest*” means a real or seeming incompatibility between one’s private interests and one’s public or fiduciary duties in which a *person* is in a position to derive personal benefit from actions or decisions made in their official capacity;

“*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, soil investigation, seismic investigation, the supply of products and materials and 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 services related to the construction contract unless they are included in the procurement;

“*Consultant*” means an entity, an individual, a partnership or a corporation that possesses unique qualifications that allow them to perform specialized consulting and professional services as advisors usually for a fee to the Library and includes a “contractor”, “supplier”, and “vendor”;

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“*Consulting and Professional Services*” means those services requiring the skills of a professional for a specialized *service*. This includes but is not limited to the *services* of architects, engineers, designers, surveyors, planners, accountants, auditors, management professionals, marketing professionals, software and information technology experts, financial consultants, lawyers, law firms, real estate agents and brokers, environmental planners and engineers, hydrogeologists, transportation planners and engineers, communications consultants and any other *consulting and professional services* which may be required by the *Library*;

“*Contingency*” means an event or circumstance that gives rise to an increase in a *contract* price and which could not have been reasonably anticipated at the time of *contract* award;

“*Contract*” means any form of voluntary binding agreement (including a *purchase order*) between two or more competent parties, arising from an offer and *acceptance*, creating an obligation to perform a service, provide a product or commit an act in return for financial consideration;

“*Contractor*” means the selected *bidder* that has a *contract* with the Library to perform the *deliverables* described in a *bid call document*. For clarity, for this by-law only, “*contractor*” includes “*consultant*”, “*supplier*” and “*vendor*”.

“*Co-operative Procurement*” means; a) the action taken when two or more entities combine their requirements to obtain advantages of volume acquisitions including administrative savings and other benefits. b) a variety of arrangements whereby two or more public procurement entities purchase from the same vendor(s) using a single bid call document. Co-operative procurement efforts may result in a contract that other entities may piggyback onto these contracts;

“*Debriefing*” means a practice used primarily during the request for proposal process, whereby a representative of the Library’s will meet in person or by telephone with those parties requesting a debriefing, whose submissions were not deemed appropriate for award. It is viewed as a learning process for respondents who may gain a better understanding regarding perceived deficiencies contained within their submission.

“*Deliverables*” means *goods, services and construction*;

“*Dispose*” means the *sale, exchange, destruction, trade, transfer or gift of goods* owned by the Library which are surplus to its needs and “*disposal*” and “*disposed*” shall have similar meanings;

“*Electronic Bidding*” means a method of issuing *bid call documents* and/or receiving *bids* where the process of issuing and/or receiving *bids* by internet is considered appropriate;

“*Emergency*” means an event or circumstance where the immediate acquisition of deliverables is necessary to prevent or alleviate: (a) a serious delay in service delivery;

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(b) a threat to the health, safety or welfare of any person; (c) the disruption of essential services; or (d) damage to public property, and includes, but is not limited to, an emergency declared under the Emergency Management and Civil Protection Act;

"*Employee*" means an individual who works part-time or full-time under a contract of employment, whether oral or written, express or implied for the Georgina Public Library Board and has recognized rights and duties.

"*Employee Code of Conduct*" means the Library's *Staff Code of Conduct*, as amended;

"*Goods*" means anything acquired other than *services* or *real property*;

"*Individual*" means a natural *person*;

"*Lease*" means a financial arrangement whereby equipment or municipal capital facilities are provided to the Library by a third party in exchange for a series of payments;

"*Library*" means The Georgina Public Library;

"*Litigation*" means any formal dispute between the Library and any other party, including third party and cross claims, where a legal proceeding has been commenced for an injunction, a mandatory order, a declaration, or the recovery of money, or an arbitration proceeding;

"*Low Value Purchase*" (LVP) means the *acquisition* of *deliverables* having an estimated *acquisition value* as stated in Schedule "E" - Thresholds of this Policy (including *non-refundable HST*);

"*Negotiation*" means a bargaining process between two or more parties seeking to reach a mutually satisfactory agreement on, or settlement of, a matter of common concern. It can be used as part of a *procurement process*;

"*No Cost Procurement*" means an acquisition by the Library does not bear any cost (expense or capital expenditure). This usually is a result of a cost pass-through from a third party for a particular project;

"*Non-Competitive Procurement*" means an *acquisition* made directly from one *vendor*, and may include a situation where *negotiations* take place with more than one *vendor* prior to the *acquisition*, but does not include a situation where *negotiations* have been specifically permitted and provided for and take place pursuant to the terms set out in a request issued pursuant to a *Competitive procurement*;

"*Non-Profit Organization*" means any corporation incorporated as a not-for-profit corporation under the Canada Not-for-profit Corporations Act, the Ontario Corporations Act, or any successor legislation;

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"*Non-refundable HST*" means the percentage of the Harmonized Sales Tax (HST) that the Library is required to pay on the acquisition of deliverables.

"*P-Card*" means *Purchase card*;

"*P-Card Policy*" means the *policy* governing the administration of the *P-card* program;

"*Person*" means and includes any natural *person*, corporation, company, limited liability company, trust, joint venture, association, incorporated organization, partnership, governmental authority or other entity, and shall be construed to include such *person's* successors and permitted assigns;

"*Personal Property*" means tangible or intangible property, other than *real property*. Movable property subject to ownership, with exchange value;

"*Piggyback*" means a form of intergovernmental or library co-operative procurement process in which the Library shall be extended the pricing and terms of a contract established by another entity. Generally one entity will competitively award a contract that will include language allowing for other entities to utilize the contract which may be to their advantage in terms of pricing, thereby gaining economies of scale that they normally would not receive if they competed on their own. The Library may participate with other government agencies or public authorities in a co-operative procurement process where it is in their best interest to do so. The Library shall have a piggyback clause in most bid call documents, which permits the Library to extend the pricing, terms and conditions of a contract to other government entities, upon approval of the contractor;

"*Policy*" means this *policy*, as amended;

"*Price Agreement*" means a *contract* between the Library and a *vendor* resulting from a *bid call document*, under which the *vendor* agrees to provide *deliverables* as and when needed by the Library, at a pre-determined price, for a pre-determined period of time, upon pre-determined terms and conditions;

"*Procurement*" means the process of acquiring *deliverables* from an external source, often using a defined method. The most appropriate method is used to ensure the *Library* receives *deliverables* at the best total *acquisition value*.

"*Procurement Procedures*" means the procedures developed by the CEO for the implementation of this *policy*;

"*Procurement Process*" means the method by which an *acquisition* is made, including *competitive* and *non-competitive procurement*;

"*Proponent*" means the legal entity that submits a *bid* in response to a *bid call document* and may include *bidder* or *respondent*;

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"*Proposal*" means a *submission* received in response to a *request for proposal* (RFP).

"*Proposal Irregularity*" means a deviation between the requirements (terms, conditions, *specifications*, special instructions) of a *bid call document* and the information provided in a *proposal submission*. Schedule "D" - Proposal Irregularities of this Policy establishes the action that shall be taken;

"*Purchase*" means the *acquisition of deliverables by purchase, rental, lease or trade*;

"*Purchase Card*" means a payment method whereby *employees* of the Library are empowered to deal directly with *vendors* for *low value acquisitions*, using a credit card issued by a bank or major credit card provider. Generally, a pre-established credit limit is established for each card issued. The card may facilitate on-line ordering from pre-approved *vendors* under *contract*;

"*Purchase Order*" means the document issued by the Library to a *contractor* that sets out, or references other *contract* documents that set out, the terms and conditions applicable to the supply of *deliverables* by a *contractor*, including, at minimum, the *acquisition value*. It is also *authorizes* the *contractor* to ship and charge for the *deliverables* specified on the order;

"*Purchasing Authority*" means the *authority* assigned to a *Library employee* to incur expenditures, including advance and progress payments on behalf of the *Library*;

"*Quick Bid*" (QB) means a *bid call document* used to solicit *bids* for *low dollar value* deliverables estimated to be up to the amount stated in Schedule "E" - Thresholds of this Policy (including *non-refundable HST*), from one or more *vendors*. It is a request to *vendors*, which is evaluated with the objective of accepting the lowest-priced *quotation* ;

"*Quotation*" means an offer received in response to a request for quotations;

"*Real Property*" means land, land and buildings, things growing upon or affixed thereto, improvements to such land, and all rights and interests therein;

"*Request for Expressions of Interest*" (ROEI) means a document that is used to determine the interest of the market place to provide *deliverables* that the Library is contemplating acquiring;

"*Request for Information*" (RFI) means a non-binding written request used for the purpose of compiling the available market information and capabilities of various *vendors* in providing *deliverables* to the Library in order to make informed *acquisition* decisions and may be followed by a subsequent *request for tender* or *request for proposal*.

"*Request for Pre-Qualifications*" (RFPQ) means a request for the submission of information from potential bidders, including the experience, financial strength, education, background and personnel of firms or corporations who want to qualify to be able to

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compete to *deliverables* to the *Library*. An RFPQ is typically used as the first stage in a two-stage *procurement process* in order to short-list the most qualified *vendors*;

"*Request for Proposal*" (RFP) means a *bid call document* issued to obtain *proposals* where a need is identified, but how it will be achieved is unknown at the outset, which allows *respondents* to propose solutions or methods to arrive at the desired result, and which may allow for consecutive or concurrent *negotiations* to be conducted with *respondents* on any of the *contract* terms including, but not limited to, the *specifications* and/or prices pursuant to a *procurement process* that is detailed in the *request for proposal*;

"*Request for Quotation*" (RFQ) means a written *bid call document* that is issued either by invitation or through an advertisement to *vendors* for the purpose of selecting one or more *vendor(s)* to provide *deliverables*;

"*Request for Roster Candidates*" (RFRC) means a document that is issued and used to gather information on *vendors* capabilities, qualifications and pricing for the purpose of creating a list of *vendors* that may be called upon during a specified period of time using a rotation or other equitable work distribution method to provide a category of *deliverables* on defined terms and conditions;

"*Request for Tender*" (RFT) means a *bid call document* issued seeking *submissions* to obtain *deliverables* whenever the requirements can be precisely defined and the expectation is that the lowest *bid* meeting the requirements specified in the *bid call document*, would be accepted, subject to any other provisions of the *contract* documents and this *policy*;

"*Requisitioner*" means the member of the *requisitioning department* that has been assigned the responsibility for the *acquisition* of *deliverables* and the management of the resulting *contract* with a *contractor* by the Branch Manager of that *requisitioning branch or department*;

"*Requisitioning Department*" means the Department that has budget responsibility for the *acquisition*, except in the case of an *acquisition* of information technology, in which case the *requisitioning department* also includes the department that will be the main user of the technology;

"*RFX*" means a written *bid call document* that is issued to *vendors*, whether or not it is publicly advertised, that is intended to result in the *award* of a *contract* to a *contractor(s)* for *deliverables*, and includes a *request for tenders, quotations, proposals, qualifications for roster candidates* and excludes a *request for information or expressions of interest*;

"*Respondent*" means the legal entity that submits a *bid* in response to a *bid call*, and may include *bidder or proponent*;

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"*Roster Supplier*" means a *vendor* whose *submission*, as reviewed and evaluated by *Procurement Services* in conjunction with the *requisitioning department*, has met the minimum set standards for technical qualifications and professional competence, and has the necessary equipment, facilities and experience for the provision of a specified category of *deliverables* which it will provide based on pricing and terms and conditions established in the *request for roster candidates*;

"*Sale*" means the act of selling *Library's* property or *real property* that is no longer needed by the *Library* and is designated for *disposal* outside the Organization;

"*Scope*" means the full extent of the *deliverables* to be provided by a *contractor*, as set out in the *contract*, including the term of the *contract*;

"*Scope Change*" means any change to the *scope* of a *contract* to accommodate a need not originally provided for in the *contract* and which may include the *acquisition* of additional *deliverables* or the extension of the term of the *contract* and which may require an adjustment to the *contract price*;

"*Services*" includes all *consulting and professional services*, all *services* in relation to *real property* or *personal property* including without limiting the foregoing the delivery, installation, construction, maintenance, repair, restoration, demolition or removal of *personal property* and *real property* and all other services of any nature and kind save and except only *services* to be delivered by an *employee* of the Library;

"*Single Source Acquisition*" means a *non-competitive procurement process* that is not a *low value acquisition* from a specific *vendor* even though there may be more than one *vendor* capable of providing the same *deliverables* but the *acquisition* is directed to one source because of standardization, warranty, or other such factors;

"*Sole Source Acquisition*" means a *non-competitive procurement process* that is not a *low value acquisition* where a situation created due to the inability to obtain competition. This may be as a result of one available *vendor* possessing the unique ability or capability to meet the particular requirements of the *bid call document*;

"*Specifications*" means the precise requirements or characteristics of the *deliverables* to be *acquired*;

"*Submission*" means a response received from a *bidder* to *bid call* or other form of request for *deliverables*;

"*Supplier*" means an entity, an *individual*, a partnership or a corporation that is capable of providing desired *deliverables* to the Library and including but not limited to a "*consultant*", "*contractor*" and "*vendor*";

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“*Supplier Code of Conduct*” means the *Library’s supplier code of conduct* that outlines clear expectations for all “*consultants*”, “*contractors*”, “*suppliers*” and “*vendors*” related to their conditions of employment, workplace environment and business ethics.

“*Surety*” means a pledge or guarantee by an insurance company or Canadian chartered bank, *authorized* by law to do business in the province of Ontario and acceptable to the Library on behalf of the *Contractor* which protects against default or failure of the *Contractor* to satisfy the contractual obligations;

“*Staff*” means a *Library employee* that does not hold a position of supervisor or higher;

“*Term Contract*” means a *price agreement* in which a source of supply is established for a specified period of time for specified *deliverables*, usually characterized by an estimated or definite minimum quantity, with the possibility of additional requirements beyond the minimum, all at a predetermined unit price;

“*Tender*” means a written detailed offer from a *vendor*, received in response to a *request for tender*, to supply of *deliverables* where there are clearly defined criteria or *specifications*;

“*Tied Bid*” means two or more *bids* from *bidders* that are equal in all respects after evaluation, including price for *deliverables* and *sale* of real or *personal property*;

“*Town*” means the Corporation of the Town of Georgina;

“*Total Cost*” means *acquisition value*;

“*Unsolicited Bid / Proposal*” means a *bid* or *proposal* received by the Library from a *vendor(s)* who have approached the Library with an *bid* or *proposal* in response to a perceived need that was not requested through a standard *procurement process*;

“*Vendor*” means an entity, an *individual*, a partnership or a corporation that is capable of providing desired *deliverables* to the Library including but not limited to a “*consultant*” “*contractor*” and “*supplier*”;

“*Working Day*” means Monday through Friday, excluding any recognized statutory holiday, public holiday or civic holiday;

“*WSIB*” means Workplace Safety and Insurance Board.

To establish the definition of any other *procurement* terms not herein included, reference may be made to the latest edition of the Institute for Public Procurement (NIGP) Public Procurement Dictionary of Terms and/or, the Government of Canada Supply Manual Glossary.

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Schedule “B” – Exemptions to this Policy

This policy does not apply to the acquisition of the following deliverables, subject to such expenditures being approved by the appropriate staff and being within the annual approved budget:

1. Goods or services the supply of which is controlled by a statutory monopoly.
2. Work to be performed on property under the provisions of a lease, warranty or guarantee held in respect of the property or the original work.
3. Goods acquired on a commodity market.
4. The following goods and services including but not limited:
 - Conferences, conventions, courses, workshops and seminars
 - Newspapers, magazines, books, subscriptions and periodicals
 - Memberships in professional and vocational associations
 - Facilitators and program hosts
 - Computer software (online or otherwise)
5. Services provided by the following licenced professionals:
 - Legal Fees
 - Fees from licenced health care practitioners and related services
 - Fees from Human Resources services.
6. *Goods* and services related to cultural or artistic fields, such as:
 - Events supporting local non-profit organization
 - Entertainment providers, Entertainers/Artists for theatre or special events
 - Original works of art
 - A contract to be *awarded* to the winner of a design contest
7. The following special services:
 - Author Readings
 - Honorariums
 - Per Diems
 - Committee Fees
 - Expert witnesses
 - Arbitrators
 - Appraisers
 - Municipal Tax Equity (MTE) as approved in annual budgets

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8. Library's General Expense, such as:
 - Refundable employee expenses (advances, accommodations, meal allowances, travel, miscellaneous)
 - Payroll deduction remittances
 - Workers Safety Insurance Board payments
 - Health benefits
 - Tax remittances
 - Debenture payments
 - Sinking fund payments
 - Insurance premiums
 - Damage claims
 - Legal settlements
 - Arbitration awards
 - Petty cash replenishment
 - Charges to and from other government bodies
 - Board approved grants, donations or sponsorships programs which may include asset naming rights
 - Refunds (such as property tax refunds, building permit refunds and refunds for cancelled services, programs or events)
 - Licensing fees (regular license fees for vehicles, firearms, elevators, communications, software, etc.) required to maintain existing products and systems originally obtained in accordance with the policy
 - Utility bills (such as water and sewer, hydro, natural gas, telecommunications, internet and cable television)

9. Goods or services where one hundred percent (100%) of the total cost is being paid or reimbursed by a third party.

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Schedule “C” - Bid Irregularities (Applicable to Hard Copy Bidding Only)

For the purposes of this policy, the following actions shall be taken regarding bid irregularities, as defined in this policy, excluding proposal irregularities.

ITEM #	DESCRIPTION	ACTION
1.	Late submission	Automatic rejection.
2.	Submission provided on other than the bid form	Automatic rejection.
3.	Submission completed and/or signed in an erasable medium	Automatic rejection.
4.	Submission not legible	Automatic rejection, unless in the opinion of the bid review panel, the illegibility is not pricing and is considered to be immaterial to the Library which may upon request by the Library, be remedied by the respondent within five (5) working days or the submission shall be rejected.
5.	Submission not signed	Upon request of the Library, respondent shall remedy the bid irregularity within two (2) working days or the submission shall be rejected.
6.	Incomplete submission	Automatic rejection, unless: <ul style="list-style-type: none"> (i) it is stated in the bid call document that partial submissions are acceptable, and the submission is complete in respect of the portion of the scope of work or deliverable(s) bid upon; or (ii) In the opinion of the bid review panel, the omission is of an administrative nature and is upon request by the Library, remedied by the respondent, within two (2) working days or the submission shall be rejected. Incomplete pricing shall not be considered administrative in nature and the submission shall be rejected, with the exception of those bid irregularities stated in accordance with paragraphs 14 and 15 below.

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Schedule “C” - Bid Irregularities (Applicable to Hard Copy Bidding Only) Cont’d

For the purposes of this policy, the following actions shall be taken regarding bid irregularities, as defined in this policy, excluding proposal irregularities.

ITEM #	DESCRIPTION	ACTION
7.	All addendum(s) not acknowledged in the submission	Automatic rejection, unless: (i) the relevant addendum issued is solely for the purpose of revising a closing date and/or time and the submission is received in accordance with the revised closing date and/or time; or (ii) In the opinion of the bid review panel, the omission is of a administrative in nature and is, upon request by the Library, remedied by the respondent, within two (2) working days or the submission shall be rejected.
8.	Submission by a respondent who is in unresolved litigation with the Library or Town	Automatic rejection.
9.	Alterations, additions, deletions or qualifying statements (referred to as a “variation”) made to or provided with the bid form	Automatic rejection, unless in the opinion of the bid review panel, such variation is considered to be immaterial to the Library.
10.	Mathematical errors which are not consistent with the unit price; mathematical errors such as tax calculation errors	Upon request of the Library, respondent shall accept and initial corrections made by the Library within two (2) working days or the submission shall be rejected.
11.	Unit price in the Schedule of Prices which has been changed but not initialed and the unit price extension is consistent with the unit price as amended	Upon request of the Library, respondent shall initial within two (2) working days or the submission shall be rejected.
12.	Unit price in the Schedule of Prices which has been changed but not initialed and the Unit price extension is not consistent with the Unit price as amended	Automatic rejection.

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Schedule “C” - Bid Irregularities (Applicable to Hard Copy Bidding Only) Cont’d

For the purposes of this policy, the following actions shall be taken regarding bid irregularities, as defined in this policy, excluding proposal irregularities.

ITEM #	DESCRIPTION	ACTION
13.	If a unit price has been given but the corresponding extended total has been omitted	The extended total will be calculated from the unit price and the estimated quantity by the Library. The respondent shall be given two (2) working days to accept and initial corrections made by the Library.
14.	If an extended total has been given but the corresponding unit price has been omitted	The unit price will be calculated from the extended total and the estimated quantity by the Library. The respondent shall be given two (2) working days to accept and initial corrections made by the Library.
15.	Where there is a calculation error in the addition of individual lump sum prices into a subtotal price	The Library may make the appropriate mathematical correction to the subtotal price and/or subtotal contract price, as the case may be, so that the calculation is correct. The respondent shall be given two (2) working days to accept and initial corrections made by the Library.
16.	Failure to provide bid bond	Automatic rejection.
17.	Insufficient bid security	Automatic rejection, unless in the opinion of bid review panel, the insufficiency in the bid deposit is trivial or insignificant. Upon request by the Library, five (5) working days shall be given to the respondent to remedy.
18.	Respondent did not submit an undertaking to provide a bond	Automatic rejection
19.	Respondent did not attend a mandatory site meeting	Automatic rejection
20.	Other bid irregularities	Referred to the bid review panel for review, consideration, and determination. Upon Request of the Library, the respondent may be given five (5) working days to correct such bid irregularity

All bid irregularities (except late bids that were automatically rejected) shall be forwarded to the bid review panel for review, consideration, and determination in accordance with Section 12 – Bid Review Panel of this policy.

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Where, at the request of the Library, a respondent has been given a period of time to correct a bid irregularity, should the respondent fail to make the correction within that time period, then the respondent shall be deemed to be in default and;

- the bid shall be rejected and the respondent's bid deposit (where applicable) shall be forfeited, retained and applied for use by the Library unless the rejected bid is not the lowest; and
- At the discretion of the bid review panel, the respondent may be suspended for a period of time, in accordance with the Library's Contractor Performance Procedure.

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Schedule “C” – Bid Irregularities (Applicable to Electronic Bidding Only)

For the purposes of this policy, the following actions shall be taken regarding bid irregularities (as defined in this policy, excluding proposal irregularities).

ITEM	DESCRIPTION	ACTION
1.	Submission received by a respondent who is in unresolved litigation with the Library or Town.	Automatic rejection.
2.	The Library is unable to verify digital bond(s).	Upon request by the Library, the respondent shall be given five (5) working days to either; remedy the verification to the Library’s satisfaction or the submission shall be rejected.
3.	Respondent did not attend the mandatory site meeting.	Automatic rejection.
4.	Other bid irregularities.	Referred to the bid review panel for review, consideration, and determination. Upon request of the Library, the respondent may be given five (5) working days to correct such bid irregularity.

All bid irregularities (except late submissions that were automatically rejected) shall be forwarded to the bid review panel for review, consideration, and determination in accordance with Section 12 – Bid Review Panel of this policy.

Where, at the request of the Library, a respondent has been given a period of time to correct a bid irregularity, should the respondent fail to make the correction within that time period, then the respondent shall be deemed to be in default and;

- the submission shall be rejected and the respondent’s bid deposit (where applicable) shall be forfeited, retained and applied for use by the Library unless the rejected bid is not the lowest; and
- At the discretion of the bid review panel, the respondent may be suspended for a period of time, in accordance with the Library’s Contractor Performance Procedure.

Schedule “D” Proposal Irregularities (Applicable to Hard Copy Bidding Only)

For the purposes of this policy, the following actions shall be taken regarding proposal irregularities (as defined in this policy, excluding bid irregularities).

ITEM	DESCRIPTION	ACTION
1.	Late submission	Automatic rejection.
2.	Submission completed and/or signed in an erasable medium	Automatic rejection.
3.	Submission not legible	Automatic rejection, unless in the opinion of the bid review panel, the illegibility is not pricing and is considered to be immaterial to the Library which may upon request by the Library, be remedied by the Respondent, within five (5) working days or the submission shall be rejected.
4.	Submission not signed	Upon request of the Library, respondent shall remedy the proposal irregularity within two (2) working days or the submission shall be rejected.
5.	All Addendum(s) not acknowledged in the respondent’s submission (if issued)	Automatic rejection, unless: (i) the relevant addendum issued is solely for the purpose of revising a closing date and/or time and the bid is received in accordance with the revised closing date and/or time; or (ii) In the opinion of the bid review panel, the omission is of administrative in nature and is, upon request by the Library, remedied by the respondent, within two (2) working days or the submission shall be rejected.
6.	Submission received by a Respondent who is in unresolved litigation with the Library	Automatic rejection.
7.	Respondent did not attend a mandatory site meeting	Automatic rejection.
8.	Other proposal irregularities, including deviations in terms	Referred to the bid review panel for review, consideration, and determination. Upon Request of the Library, the respondent may be given five (5) working days to correct such proposal irregularity.

All proposal irregularities (except late submissions that were automatically rejected) shall be forwarded to the bid review panel for review, consideration, and determination in accordance with Section 12 – Bid Review Panel of this policy.

Where, at the request of the Library, a respondent has been given a period of time to correct a proposal irregularity, should the respondent fail to make the correction within that time period, then the respondent shall be deemed to be in default and; the submission shall be rejected; and at the discretion of the bid review panel, the respondent may be suspended for a period of time, in accordance with the Library's Contractor Performance Procedure.

Schedule “D” Proposal Irregularities (Applicable for Electronic Bidding Only)

For the purposes of this *policy*, the following actions shall be taken regarding *proposal irregularities* (as defined in this *policy*, excluding *bid irregularities*).

ITEM	DESCRIPTION	ACTION
1.	Submission received by a Respondent who is in unresolved litigation with the Town or Library.	Automatic rejection.
2.	The Library is unable to verify digital <i>bond(s)</i>	Upon request by the Library, the Respondent shall be given five (5) <i>working days</i> to remedy the verification to the Library’s satisfaction or the submission shall be rejected.
3.	<i>Respondent</i> did not attend the mandatory site meeting	Automatic rejection
4.	Other <i>proposal irregularities</i> , including deviations in terms	Referred to the bid review panel for review, consideration, and determination. Upon request of the Library, the respondent may be given five (5) working days to correct such proposal irregularity

All proposal irregularities (except late submissions that were automatically rejected) shall be forwarded to the bid review panel for review, consideration, and determination in accordance with Section 12 – Bid Review Panel of this policy.

Where, at the request of the Library, a respondent has been given a period of time to correct a proposal irregularity, should the respondent fail to make the correction within that time period, then the respondent shall be deemed to be in default and;

- the submission shall be rejected; and
- At the discretion of the bid review panel, the respondent may be suspended for a period of time, in accordance with the Library’s Contractor Performance Procedure.

Schedule "E" - Thresholds of this Policy

Estimated Acquisition Value (Dollar) Threshold including <i>non-refundable HST</i>	Procurement Method	Form of Commitment
Table 1. Threshold for Low Value Purchases (LVP)		
Up to \$5,000	Low Value Purchase (LVP)	P-Card
\$5,001 to \$10,000	Low Value Purchase (LVP)	P-Card or Purchase Order
Table 2. Threshold for Bid Call Process		
\$10,001 to \$30,000	INFORMAL: Quick Bid Request for Quotation (QBRFQ) 3 written quotes	Purchase Order
\$30,001 to \$50,000	FORMAL: Request for Quotation (RFQ), Request for Tender (RFT) or Request for Proposal (RFP)	Purchase Order
\$50,001 to \$250,000	FORMAL: Request for Tender (RFT) or Request for Proposal (RFP)	Purchase Order
>\$250,001	FORMAL: Request for Tender (RFT) or Request for Proposal (RFP)	Purchase Order & Board approval
Table 3. Sole or Single Source Purchases		
Up to \$5,000	As per Policy	P-Card
\$5,001 to \$10,000	As per Policy	P-Card or Purchase Order
\$10,001 to \$30,000	As per Policy	Purchase Order
\$30,001 to \$50,000	As per Policy	Purchase Order
\$50,001 to \$250,000	As per Policy	Purchase Order
>\$250,001	As per Policy	Purchase Order & Board approval

Schedule "F" - Purchasing Authorities of this Policy		
Estimated Acquisition Value (Dollar) Threshold including HST	Position Level	Authorized By
Up to \$5,000	Manager	CEO
\$5,001 to \$50,000	CEO	Board Chair
Greater than \$50,000	Board Chair	Library Board
Schedule "G" - Purchasing Authorities of this Policy - Emergency Acquisition		
Estimated Acquisition Value (Dollar) Threshold including HST	Position Level	Authorized By
Up to \$50,000	CEO	Board Chair
Greater than \$50,000	Board Chair	Library Board