

 M O N C T O N	POLICY	Owner Department: Finance
	Corporate Procurement Policy	
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1. Definitions

Artifact:	An object made by human work or any non-natural feature or structure of historical, scientific or cultural importance
Bid:	Written offer to sell goods / services which identifies the item being offered by the Vendor / Vendor, the price of the item(s) offered, terms of the purchase, payment terms, and other pertinent details
Bid Solicitation Authority:	The authority delegated to persons to carry out a competitive bidding process on behalf of the Corporation to solicit legally binding offers (bids) for the procurement of goods or services
Bid Awarding Authority:	The authority delegated to persons to award a competitive bidding process for the purposes of entering into a contract with the successful Bidder
Bidder:	Contractor, Vendor, or Vendor who responds to an invitation to bid
Bid Security:	Bond or deposit which guarantees that a Bidder, if awarded a bid, will agree to enter into a contract with the City of Moncton to provide the goods or services specified in the bid document

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CETA:	The “Comprehensive Economic and Trade Agreement”, Chapter 19 – Government Procurement, effective September 21, 2017, and as may be updated from time to time.
CFTA:	The “Canadian Free Trade Agreement”, Chapter 5 – Government Procurement, effective July 1, 2017, and as may be updated from time to time.
Contingency Allowance:	A sum designated to cover unpredictable or unforeseen items which require additional work, or scope changes required by the City.
Contract:	An agreement with specific terms between two (2) or more persons or entities in which there is a promise to do something in return for a valuable benefit (i.e. financial remuneration)
Corporation:	The business entity known as “The Corporation of the City of Moncton”
Diverse Vendor:	A business that is at least 51 percent owned, managed and controlled by an equity-seeking community or social purpose enterprise. These communities include, but are not limited to, women, Aboriginal people, racial minorities, persons undergoing criminal or addiction rehabilitation and recovery, persons with disabilities, newcomers, and Lesbian, Gay, Bisexual, Trans, Queer, Two-spirit (LGBTQ2S) community.
Expenditure Approval Authority:	The authority delegated to persons to approve the expenditure of Corporate funds
Limited Competitive Bidding Process:	A competitive bidding process that is limited in some aspect when bid submissions are solicited
Open Competitive Bidding Process:	A competitive bidding process in which bid submissions are solicited by public advertisement and that is open to all interested Vendors
Pre-Qualification Process:	Process by which the qualifications / capabilities / capacity of a Vendor are evaluated prior to carrying a competitive bidding process. Only pre-qualified firms will be eligible to participate in the competitive bidding process.
Purchase Order:	Written document to a Vendor formalizing all the terms and conditions of a proposed transaction, such as a description of the requested item(s), price, terms of payment, and mode of transportation.
Purchasing Agent:	Designated staff person(s) responsible for administration of the City’s public tendering processes and procurement of goods / services on behalf of the Corporation.
Purchasing Card:	A credit card that can be used to acquire low dollar value items that are within the employee’s prescribed single transaction limit.

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Quotation:	Competitive bid document with detailed specifications and / or drawings, which is used to solicit pricing from Vendors. Quotations are awarded to the lowest Bidder meeting the specifications.
Request for Information (RFI):	Process used to collect written information regarding a Vendor's capabilities, products / services, Vendor responses to specific project-related questions. Typically used during the planning stages of the procurement process. Can be used as a means to pre-qualify Vendors.
Request for Proposal (RFP):	Competitive bid document to solicit detailed information and pricing from Vendors for specialized goods or services. RFP's are awarded to the Bidder receiving the highest score. Scores are determined using weighted selection factors (i.e. past experience, references, proposed work plan / approach, project deliverables, etc.), in addition to the bid price.
Requisition:	An internal document submitted by a Department which describes the goods and/or services required (that are not available through Central Stores, or a Purchasing Card). An approved Requisition provides authority to Purchasing staff to obtain the goods or services on behalf of a Department, and commit the necessary funds toward the purchase.
Single Source:	A purchase is directed to one (1) source / Vendor because of standardization, warranty, exclusive distribution rights, proprietary technology, or other factors, even though other competitive sources may be available.
Sole Source:	Inability to obtain competitive bids, as only one (1) Vendor possesses the unique ability or capability to supply a particular good / service. For example, the Vendor may retain an exclusive patent, copyright, or monopoly (i.e. NB Power, Enbridge Gas).
Specifications:	A precise description of the physical characteristics, quality, or desired outcomes of a commodity to be procured, which a Vendor must be able to produce or deliver to be considered for award of a contract.
Standing Offer:	procurement contract with a Vendor by which a procuring entity agrees to buy goods or services, when needed, from the Vendor for a period specified in the contract and the contract includes all terms applicable to the procurement, including the cost of the good or service and delivery requirements.
Tender:	Competitive bid document with detailed specifications and drawings, which is used to solicit pricing from Vendors and typically requires a performance surety. Tenders are awarded to the lowest Bidder meeting the specifications.
Vendor:	Person or business entity that sells goods or services. Can be used interchangeably with the terms "Vendor" or "Contractor".

2. Policy Statement

The City of Moncton wishes to establish sound policies for the purpose of procuring goods and services by achieving the best value for the Corporation through the use of procurement processes that are open, fair and transparent.

It is also important that the City carry out its procurement processes in a manner that is congruent with providing ethical, professional and accountable delivery of programs and services to the citizens of Moncton, and lastly, that protect the integrity of the City, the public and stakeholders in the procurement process.

The key documents for the provision of procurement services to the Corporation of the City of Moncton are the Council-approved Capital and Operating Budgets of the City of Moncton and its Boards, Commissions and Agencies who, traditionally, have utilized the services of the Municipal Purchasing Department.

3. Procurement Principles and Objectives

It is the policy of the Corporation of the City of Moncton to conduct procurement processes that conform to the following principles and objectives:

1. Conduct the City's procurement activities in compliance with all applicable trade agreements, laws, by-laws, and policies, as set out in *Schedule A* to this policy;
2. To establish standard rules governing the procurement of goods and services by City administration;
3. To achieving best value for the City for the expenditure of public funds through consideration of a full range of procurement methods, and the adoption of commercially reasonable business practices;
4. To the extent possible, ensuring openness, accountability, transparency, and non-discriminatory access in all business transactions, while protecting the financial best interests of the City and its assets; and
5. To ensure consistency and fairness amongst Bidders during the procurement process.

4. Procurement Code of Ethics

a. Policy Statement

Purchasing Department administration shall be guided by the Code of Ethics and Principles within the framework of the most recent precepts and guidelines adopted by the National Institute of Governmental Purchasing (NIGP).

b. Rules

Employees shall not use their authority for personal gain. Employees must:

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1. Maintain the highest standards of integrity in all business relationships both inside and outside the Corporation;
2. Foster high standards of professional competence amongst those for whom they are responsible;
3. Optimize resources for which they are responsible so as to provide the maximum benefit to the Corporation;
4. Comply with all applicable legislation, policies, directives and contractual obligations; and
5. Reject and denounce any business practice that is improper, and immediately report such incidents to their General Manager or the Purchasing Manager, as the case may be.

c. Guidelines

In applying these rules, those possessing or delegated purchasing authority shall follow the guidelines set out below:

1. Declaration of Interest

Any personal interest which may affect or might reasonably be deemed by others to affect an employee's impartiality in any matter relevant to their duties should be declared to their General Manager or the Purchasing Manager, as the case may be.

2. Confidentiality and Accuracy of Information

Until an award is made by the Purchasing Manager, City Manager or City Council, the confidentiality of information received in the course of duty must be respected. Confidential information should not be used for personal gain.

3. Competition

While considering the advantages to the Corporation of maintaining a continuing relationship with a Vendor, any arrangement which might, in the long term, prevent the effective operation of fair competition, shall be avoided.

4. Business Gifts and Hospitality

Refer to City of Moncton Policy 0802.04 – Gifts and Hospitality.

5. Endorsement of Vendors

Administration shall not publicly endorse any company in order to provide said company with an advantage over others. However, administration may, upon request for a letter of reference, provide Vendors with a statement of fact (i.e. written confirmation that a Vendor performed / supplied specific goods and / or services to the City over the course of a specific period of time, or that specific persons employed by the Vendor completed work for the City for a specific project / under the provisions of an agreement).

When an employee is in doubt of what is acceptable in terms of a letter of reference, advice should be sought from the Purchasing Manager.

d. Violation of Policy and Guidelines

Violation of this policy and guidelines will be documented and reported to the City Manager and will be considered grounds for discipline, up to and including dismissal.

5. Procurement Authority and Responsibilities

a. Authority and Responsibilities of Administration

1. Moncton City Council:

- Determine the allocation of financial resources through an approved operating and capital budget
- Serve as the awarding and expenditure approval authority for the procurement of goods / services with an estimated value in excess of the delegated authority of the City Manager
- Award procurements as set out in **Schedule A** to this policy
- Approve expenditures as set out in **Schedule B** to this policy
- Approve administrative procurement policies in accordance with all applicable laws, trade agreements, and regulations

2. City Manager or Designate:

- Ensure organizational compliance with all procurement policies and directives, applicable laws, trade agreements, and regulations
- Support the promotion of sound procurement practices and appropriate education and training to employees involved in procurement
- Award procurements as set out in **Schedule A** to this policy
- Approve expenditures as set out in **Schedule B** to this policy

3. City Solicitor or Designate:

- Prepare and finalize formal contracts and agreements with Vendors in accordance with procurement award, for signature by the Mayor and City Clerk (refer to Section 8 – Execution of Contract Documents)
- Provide legal advice and counsel concerning any procurement-related matters, as required

4. General Manager or Designate:

- Ensure Departmental compliance with all procurement policies and directives, applicable laws, trade agreements, and regulations
- Support the promotion of sound procurement practices and appropriate education and training to Departmental employees involved in procurement

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- Authorize the Purchasing Department to initiate a procurement process in accordance with the procurement thresholds outlined in *Schedule A*
- Approve expenditures as set out in *Schedule B* to this policy

5. Director or Designate:

- Ensure Divisional compliance with all procurement policies and directives, applicable laws, trade agreements, and regulations
- Support the promotion of sound procurement practices and appropriate education and training to Division employees involved in procurement
- Authorize the Purchasing Department to initiate a procurement process in accordance with the procurement thresholds outlined in *Schedule A*
- Approve expenditures as set out in *Schedule B* to this policy

6. Purchasing Manager or Designate:

- Authorize the award of procurements in accordance with the procurement thresholds outlined in *Schedule A*
- Approve expenditures as set out in *Schedule B* to this policy
- Carry out the duties as the Corporation's designated Procurement Agent, as set out in *Schedule G* to this policy
- Provide advice and assistance to City Council, City Manager, Chief Financial Officer, General Managers and administration regarding policies, regulations and legislation affecting procurement
- Serve as the City's procurement advisor
- Act as the City's representative in Cooperative Purchasing initiatives
- Ensure procurement policies and directives are readily accessible to City employees
- Provide appropriate orientation, training and tools to employees involved in public procurement activities
- Advocate and monitor compliance with this policy and sound procurement practices
- Ensure procurement policy is readily available to Vendors and the general public
- Advise administration involved in procurement activities on market conditions and strategies in developing budgets, planning projects, framing business cases, and buying decisions
- Determine, in consultation with the successful Vendor, the client Department, and the Legal Department, the appropriate form of Contract (i.e. Purchase Order, Standing Offer Agreement, Lease / Rental Agreement, Legal Agreement), on an "as required" basis
- Analyze the City's business requirements and identify opportunities for cost savings and strategic sourcing on a continual basis
- Conduct a review of this Policy every five (5) years

7. Manager, Foreman, Supervisor, or Designate:

- Identify the need and develop requirements and specifications to be satisfied through a procurement
- Identify an available and approved funding source and verify the assigned account number
- Obtain appropriate conditional approval from Departmental Director or General Manager prior to initiating a purchase or soliciting bids

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- Authorize the Purchasing Department to initiate a procurement process in accordance with the procurement thresholds outlined in *Schedule A*
- Approve expenditures as set out in *Schedule B* to this policy
- Ensure staff under their direct supervision comply with all procurement policies and directives, applicable laws, trade agreements, and regulations
- Support the promotion of sound procurement practices and appropriate education and training to staff under their direct supervision that are involved in procurement

8. All Other City Administration:

- Identify an available and approved funding source and verify the assigned account number
- Purchase goods and / or services in accordance with the procurement thresholds outlined in *Schedule B* to this policy

b. Purchasing Department – Responsibilities and Key Functions

The Purchasing Department, as a service to all City administration, is responsible:

1. To provide a centralized Procurement function for goods and services required throughout the Corporation;
2. To deliver procurement services within reasonable constraints utilizing sound procurement principles;
3. To determine the most efficient, timely and economical means of securing an item or service without sacrificing sound purchasing practices;
4. To ensure the Corporation adheres to applicable public procurement regulations and trade agreements enacted by Federal and Provincial governments;
5. To review, with client Departments, the quality and quantity of goods and services procured to ensure maximum value at least cost;
6. To maintain procedures and forms to validate the procurement process, and to conduct periodic explanatory sessions with all clients on new or revised purchasing policies and procedures;
7. To administer Central Stores;
8. To assist client Departments with the development of complete descriptions and specifications for use in the bidding process;
9. To inform client Departments of new products, technologies and market conditions which assist in the determination of goods and services being procured;
10. To encourage Vendors who wish to sell goods and services to the City of Moncton to register their organization with the New Brunswick Opportunities Network (NBON);
11. To promote an environment of mutual understanding and cooperative effort between client Departments and Municipal Purchasing staff;

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12. To ensure specifications are written in such a way as to allow for the maximum benefit of the Corporation without sacrificing quality and level of service;
13. To develop reliable alternative sources of supply to meet client Department requirements;
14. To develop, in cooperation with client Departments, a program of product standardization in order to take advantage of volume procurement;
15. To provide redistribution or disposition processes for all materials/equipment determined to be surplus or obsolete;
16. To assist in the resolution of complaints stemming from the purchase and receipt of goods/services;
17. To monitor and evaluate Vendor performance;
18. To remove unsatisfactory Vendors from bidding on City of Moncton business, based upon documented performance.

c. Central Stores – Responsibilities and Key Functions

Central Stores, under the administration of the Purchasing Manager, are responsible:

1. To inventory goods and materials;
2. To accept, inspect and release inventory items;
3. To maintain a system that ensures control, accountability and reconciliation of inventoried Items;
4. To periodically review stock items to determine if certain items should be removed from inventory, under process of inventory control determined by the Purchasing Manager.

Goods and materials handled by Central Stores are inventoried to provide immediate accessibility to:

1. Items of a specialized nature;
2. Items not easily accessible from Vendors;
3. Items required on a frequent, repetitive basis (i.e. protective apparel, paper products, aggregates) to support day-to-day operations.

d. Corporate Departments – Responsibilities and Key Functions

Effective and efficient purchasing relies on a partnership between Departments and a central procurement function. In recognition of the significant role that clients play in carrying out the purchasing process, the following responsibilities vest, exclusively, with them:

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1. To provide descriptions and specifications to adequately guide the procurement process and to ensure these specifications are written in such a way so as to allow for the maximum benefit to the Corporation without sacrificing quality and level of service;
2. To work in cooperation with the Purchasing Department to allow sufficient time for the purchasing process to be followed;
3. To ensure procurements are within approved operating or capital budgets;
4. To ensure proper expenditure authority approvals are followed;
5. To release appropriate quantities of goods and services, consistent with need, under pricing agreements established and maintained by Purchasing;
6. To designate specific personnel to administer the receipt of goods, and ensure that these employees adhere to administrative policies and directives;
7. To follow administrative procedures for the return of goods;
8. To perform product evaluations, as required;
9. To attempt to stay current on new products, technologies and market conditions to assist in the determination of goods and services being procured for the Department;
10. To inform the Purchasing Department of Vendor-related problems, including product quality, poor delivery, poor Vendor performance, and other significant and repetitive deficiencies.

6. Procurement Options

The Purchasing Department is responsible for determining the most effective method of procurement of goods, materials, supplies and equipment based upon factors such as cost, quantity, availability, required delivery time, and public sector procurement regulations.

In order for the City of Moncton to provide timely and accurate information to the Vendor community with respect to the purchase of goods and services, the City of Moncton has adopted the use of the Vendor database and electronic tendering functions available through the New Brunswick Opportunities Network (NBON). The NBON system is owned and operated by the Province of New Brunswick's Department of Supply and Services.

The NBON system provides Vendors with an opportunity to register their company online and create a commodity profile to ensure they are notified of bidding opportunities which may be of interest to their organization. Vendors can search, view and download official bid documents issued by the Province of New Brunswick, and other public sector bodies, such as municipalities, hospital corporations, and universities, and respond to electronic bidding opportunities. This service is free of charge.

With the adoption of this system, the City of Moncton will no longer develop and maintain a listing of Vendors who wish to sell goods and services to the City, and shall direct any Vendor wishing to register

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their business in order to receive information concerning the City's bidding opportunities to the NBON system.

a. Bid Solicitation Thresholds

For procurements which fall **BELOW** the thresholds established for government-funded bodies as defined by the New Brunswick Procurement Act (refer to *Schedule A*), the methods available to the City for soliciting competitive bids are outlined below.

b. Tenders

A Tender is a formal, open competitive sealed bidding process normally used for the procurement of goods, equipment and services when the following conditions prevail:

1. Bid bonds and performance sureties (i.e. Performance Bonds, Labour and Materials Payment Bonds, Damage Deposits) are required;
2. Detailed specifications and drawings of the good or service are available;
3. Competition is available, i.e. two (2) or more Vendors are able to satisfy the client Department's requirements and criteria set forth in the Tender document;
4. Sufficient time is available for the preparation of Tender documents and public advertising.

Specifications for Tenders are prepared by the client Department with guidance from the Purchasing Department. Tenders, in most cases, are administered by the Purchasing Department.

However, Tenders involving the construction, expansion, or rehabilitation of streets, water system, storm water, and sewer system infrastructure as directed under the City of Moncton's Capital Works program, shall be administered by the Engineering and Environmental Services Department.

c. Request for Quotations (RFQ)

A Request for Quotation is a formal competitive bidding process used for the procurement of goods, equipment and services when the following conditions prevail:

1. Bid bonds and performance sureties are not required;
2. Detailed specifications and drawings of the good or service are available;
3. Competition is available, i.e. two (2) or more Vendors are able to satisfy the client Department's requirements and criteria set forth in the Quotation document;
4. Sufficient time is available for the preparation of Quotation documents and public advertising;
5. Quotations may also be used to carry out a Limited Competitive Bidding Process, in accordance with the provisions of the New Brunswick Procurement Act.

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Specifications for Quotations are prepared by client Departments with guidance from the Purchasing Department. Quotations are administered by the Purchasing Department; however, the Purchasing Department may, at times, delegate the authority to solicit bids through a Limited Competitive Bidding Process to a client Department, so long as the client Department provides the results of the pricing solicitation to the Purchasing Department for review within a timely manner.

d. Telephone Price Quotations

Telephone Price Quotations may be utilized to expedite procurement of low value goods or services or where an emergency exists. Pricing shall be solicited and recorded from a minimum of three (3) Vendors where sufficient competition is available. While Telephone Price Quotations are generally conducted by the Purchasing Department, authority may, at times, be delegated to a client Department to utilize the Telephone Price Quotation method so long as the client Department provides the result of the pricing solicitation to the Purchasing Department for review within a timely manner.

e. Request for Proposals (RFP)

Requests for Proposals are generally utilized for non-standard items such as professional, consultative and specialized services in situations where the skill or competence is not found in-house and where such a retention is the preferred option. RFP's invite Vendors to describe how their services, methods, equipment or products can address and meet the needs of the Corporation.

The successful Vendor is determined through the use of weighted selection factors (i.e. past experience, references, proposed approach, project team experience), in addition to the Vendor's bid price. Specifications for RFP's are prepared by the client Department with guidance from the Purchasing Department. RFP's are administered by the Purchasing Department.

f. Request for Information (RFI)

A Request for Information is a solicitation document used to obtain general information about products, services, or Vendors. The RFI process may help in the decision-making process by developing a well-conceived solicitation document (i.e. Tender, RFP, RFQ) and clarifying the competitive requirements.

g. Expression of Interest (EOI)

An Expression of Interest is the process of seeking an indication of interest from potential Vendors who are capable of providing specific services or supplying specific goods.

h. Request for Pre-Qualification

A Request for Pre-Qualification is used for the purpose of screening potential Vendors on the basis of factors such as experience, financial ability, managerial ability, reputation, work history, etc. to develop a list of qualified Vendors who will be eligible to receive a future bidding document (Tender, RFP, RFQ, etc.).

i. Cooperative Purchasing

Cooperative Purchasing is the joint purchasing of common or similar commodities by two (2) or more business / government entities. The Purchasing Department is authorized to participate in Cooperating

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Purchasing arrangements with other municipalities, regions, local boards, public agencies and government-funded bodies when it is in the City's best interest.

The Purchasing Department shall ensure that any procurement conducted through Cooperative Purchasing is carried out in a manner consistent with the CFTA, the CETA, and the New Brunswick Procurement Act.

j. Purchases from Other Government Bodies

The Purchasing Department may acquire goods or services from a federal, provincial or municipal body, ministry, agency, board, corporation or authority.

In the case of Provincial and Federal Standing Offer Agreements, or other competitive procurement processes, the Purchasing Department may take advantage of these opportunities if they are deemed to be in the City's best interest.

k. Purchase by Negotiation

Under certain circumstances and in accordance with the New Brunswick Procurement Act, the Purchasing Manager may negotiate with one or more Vendors as an alternative to other procurement methods described herein. Conditions under which negotiations would be appropriate are:

1. When due to market conditions, and in the judgment of the Purchasing Manager, goods are in short supply;
2. Where there is only one (1) source of supply for the goods or services; or
3. When a client Department wishes to test a particular product or service for a trial period as part of a pilot program.

Any resulting negotiated purchase shall be awarded in accordance with the City's awarding authority policy, as outlined in *Schedule A*.

l. Alternative Procurement Methods / Exemptions

The Purchasing Department may also employ the use of "Alternative Procurement Methods" and "Exemptions" identified in the New Brunswick Procurement Act (i.e. Best and Final Offer (BAFO), Negotiated RFP (NRFP)).

m. Commodity Exceptions

A Commodity Exception is a transaction that does not fall within the Purchasing policy and standard procurement methods, as their cost and source of supply are controlled through a government-funded body (i.e. vehicle registrations) or are subject to fixed rates established by an association or governing body.

Commodity Exceptions do not require a Purchase Order, but can be acquired and paid for through the use of the City's Corporate Credit Card or Authorization for Payment (AFP) form. The City of Moncton's Commodity Exception list is available from the City's Intranet (Cityweb).

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Although the current Commodity Exception list is fairly comprehensive, it is not intended to be all-inclusive, as there may be special or one-time transactions that fall within the definition of a Commodity Exception. Inquiries concerning Commodity Exceptions may be referred to the Purchasing Manager.

n. Rental / Leasing of Equipment

1. Vehicle Rental

The Fleet Division of Engineering and Environmental Services arranges the rental of cars, vans and small trucks to meet the needs of the Corporation. Prior to considering a rental, the Fleet Supervisor determines whether the client Department's need can be satisfied using the municipal fleet.

Vendors and prices used by the Fleet Supervisor will be determined, for a predetermined period, through Vehicle Rental / Lease agreement(s) established by the Purchasing Department.

2. Snow Removal Equipment

The rental or lease of Snow Removal Equipment required to augment the municipal fleet for snow removal operations shall be solicited through a competitive bidding process as required.

The City may also choose to contract Snow Removal Equipment (with Operator) under a retainer for a predetermined period. The Engineering and Environmental Services Department will be responsible for preparing all necessary specifications and drawings, in order for the Purchasing Department to administer a competitive bidding process.

3. Construction Vehicles and Equipment

The Purchasing Department, in conjunction with the Engineering and Environmental Services Department, may establish a Qualified / Preferred Vendor listing of Construction Vehicles and Equipment which may be required to augment the municipal fleet to meet operational needs, by means of a public competitive bidding process. The bid document will contain specific conditions required to meet operational needs, and will result in an on-call list of Vendors.

The services of specialized / heavy equipment operators may be engaged on an "as required" basis using predetermined "Hired Equipment" rates approved by City Council. Vendors from this list will be used based on guidelines developed by the Engineering and Environmental Services Department. All Vendors must have their equipment inspected by the Engineering and Environmental Services Department, and must show the vehicle's license, inspection and proof of insurance listing the City of Moncton as an "additional insured" under their firm's Commercial General Liability Policy.

4. Small Equipment

The Purchasing Department is responsible, on an annual basis, to establish Vendors and prices for the rental of specialized small equipment (i.e. scissor lifts, skid steers, air compressors, generators, forklifts, etc.). Client Departments are responsible for making arrangements for rentals directly with the Vendor on an "as required basis" to meet their operational needs.

5. Office Equipment

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The rental or lease of office equipment shall be arranged through the Purchasing Department, in collaboration with Information Systems.

6. Computer Equipment

Information Systems, in conjunction with the Purchasing Department, will facilitate the acquisition of computer equipment through master lease agreements or specialized arrangements as necessary. The acquisition of computer equipment via rental, lease or purchase must be reviewed by the Information Systems group to ensure consistency with Corporate standards, Information Systems Steering Committee (ISSC) initiatives and client Department requirements.

o. Purchasing Card

1. Purpose

The City of Moncton's Corporate Purchasing Card program is a tool that reduces transaction costs, facilitates timely acquisition of materials and supplies, automates data flow for accounting purposes, and offers flexible controls to help ensure proper usage.

The Purchasing Card is designed for the procurement of low dollar value items, and does not require a Requisition form to be completed. However, it is not to be used as a means of circumventing conventional purchasing practices.

2. Policy Statement

The Purchasing Card program is designed as an alternative to a variety of processes including petty cash, cheque requests, and low-dollar Purchase Orders. The Purchasing Card is not intended to avoid or bypass appropriate purchasing or payment procedures. Rather, the program complements the existing processes available. Some minimal record keeping, as described in the Cardholder's Procedural Manual (refer to the City's Intranet site (Cityweb)), is essential to ensure the successful use of the Purchasing Card.

Under no circumstances should a transaction be split into two (2) separate receipts to bypass the single transaction dollar limit. Purchasing Card transactions will be reviewed and monitored by the Purchasing Manager. The privilege of using the Purchasing Card may be revoked by the Purchasing Manager where applicable policies and procedures are not observed.

3. Procedures

Cardholders must adhere to the procedures and policies described in the Cardholder's Procedural Manual. The Manual provides information regarding the transaction processes, the types of purchases that can and cannot be made, the recordkeeping that must be maintained and reconciled for each cycle, and a variety of other program information.

p. Solicitation Exemptions

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A competitive bidding process shall be conducted for procurements which fall **BELOW** the thresholds outlined under the New Brunswick Procurement Act, unless one (1) of the following exemptions applies, in which case the use of a Single Sourcing / Sole Sourcing method may be employed, subject to the approval of the Purchasing Manager:

1. Standardization of goods and services is required;
2. Compatibility with existing goods and services or facilities is a paramount consideration;
3. The Vendor possesses unique or singularly available capability, experience, skills or knowledge to meet the requirements;
4. The goods and services required are in short supply due to market conditions;
5. The goods and services are required urgently due to unexpected circumstances (refer to *Schedule C*);
6. A business case supports extending an existing contract beyond its initial term, such as when additional work is required pertaining to a current or recently-completed project;
7. Annual renewals are required within a contract term, and provisions exist within the Terms and Conditions of the original bid document for contract extension options to be exercised at the City's discretion;
8. The nature of the assignment is confidential and disclosure to multiple potential Vendors would be inappropriate;
9. The goods and services are required from a public utility or other government agency;
10. The goods and services are required for testing or trial use;
11. A competitive bidding process was employed, but either no bid responses were received, or all bid responses received were substantially non-compliant.

The "Request for Single Source / Sole Source Purchase" form is available from the City's Intranet site (Cityweb), and must be included with the client Department's Requisition for situations where Items 1, 2, or 3 are applicable.

The following factors should **NOT** be included in a single source / sole source consideration:

1. Personal preference for a product of Vendor;
2. Cost, Vendor performance, local service, maintenance, and delivery (these are award factors in a competitive bidding process);
3. Features which exceed the minimum department requirements;

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4. Explanation for the actual need and basic use for the equipment, unless the information relates to a request for "unique features";
5. The statement "no substitutions" will not be considered without completion of the "Request for Single Source / Sole Source Purchase" form.

The application of a Solicitation Exemptions for all procurements which **EXCEED** the thresholds established in the New Brunswick Procurement Act shall be subject to the solicitation exemption provisions specified in the Act.

q. Cancellation of Competitive Bidding Process

The Purchasing Manager may, with the approval of a Department's General Manager, and in consultation with the City Solicitor, cancel a competitive bidding process, in whole or in part, if, in the opinion of the Purchasing Manager:

1. The competitive bidding document contains errors or omissions which would result in an unfair process if an award was granted;
2. The goods and services are no longer required;
3. Circumstances have changed and the procurement, in its current form, would be inappropriate;
4. The competitive bidding process has been compromised;
5. All acceptable bids received exceed either the budget for the acquisition or the fair market value of the goods and services.

7. Emergency Purchasing

Emergency Purchasing is only used where there is an unforeseen occurrence and a material or service is required on an immediate basis, due to an actual situation or threatened impending situation that creates unexpected conditions which pose a threat to the health, safety or welfare of the public, maintenance of essential City services, the City's physical assets or other public property, the City's financial interests, or security of the City.

Emergency purchasing does not replace the need for proper planning.

If the Purchasing Department identifies a high number of Emergency purchases within a Department, the Purchasing Manager and the General Manager will meet to discuss alternatives to using the Emergency Purchasing process.

Emergency purchases shall be carried out in accordance with *Schedule C*.

8. Execution of Contract Documents

The execution of Contracts shall be in accordance with the Corporation's Contract Execution Policy.

9. Redistribution or Disposition of Surplus and Obsolete Materials, Vehicles and Equipment

Annually, all Departments will be requested to conduct a review of all items previously purchased for their use to determine if such materials are surplus or obsolete.

The redistribution or disposal of surplus and obsolete materials, vehicles, and equipment shall be the responsibility of the Purchasing Department, and shall be carried out in accordance with the procedures outlined in *Schedule D*.

10. Vendor Eligibility

Upon receipt of sufficient supporting evidence, the City may exclude a Vendor from consideration of their bid submission as part of a competitive bidding process, or may have their contract terminated by the City on the following grounds:

1. Bankruptcy or insolvency;
2. False declarations;
3. Failure to pay taxes; or
4. The Vendor has been found guilty of an offence listed under Schedule C of the New Brunswick Procurement Act.

The exclusion of a Vendor by the City shall be subject to the provisions specified for Schedule B entities (municipalities, academia, schools and hospitals) under the New Brunswick Procurement Act, where applicable.

11. Preferential Treatment

The City will endeavour to achieve the best value in its commercial transactions. As a result, the City will not impose or consider, in the evaluation of bids or award of contracts, local content or other economic benefits criteria that are designed to favour the goods or services of a local Vendor, nor shall the City practice local preference in awarding contracts.

All procurement processes are to be conducted so as not to unduly exclude local Vendors, while at the same time, maintaining the duty to be fair, open and transparent to all Bidders.

12. Environmental Considerations

The City encourages the protection of the environment and reserves the right to seek the procurement of goods and services with due regard to the preservation of the natural environment. Vendors may be selected to supply goods made by methods resulting in the least damage to the environment, and / or to supply goods incorporating recycled materials where practicable.

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It is to be understood that total lifecycle cost analysis may be required to ensure that these goods and services are financially viable and available at competitive prices.

Environmental factors that will be considered in the evaluation and selection of goods shall be disclosed to all Vendors through the bid solicitation document.

13. Social Procurement

Social procurement is the achievement of strategic social, economic and workforce development goals using an organization's process of purchasing goods and services from enterprises which qualify as a Diverse Vendor.

The procurement of goods and services which fall **BELOW** the thresholds established for government-funded bodies identified under the Province of New Brunswick's Procurement Act (refer to **Schedule A, Item 4**), may be negotiated directly with a qualified Diverse Vendor by the Purchasing Manager, as directed by Moncton City Council.

Through the application of Social Procurement, the City wishes to:

1. Address economic disadvantage, discrimination, and barriers to equal opportunity, particularly among equity-seeking communities, that disproportionately experience unemployment and underemployment, discrimination, or barriers to equal opportunity;
2. Adhere to the highest standards of ethical conduct and maintain consistency with other City of Moncton policies and procedures;
3. Work to build a culture of social procurement;
4. Establish an effective balance between accountability, transparency and efficiency;
5. Comply with all applicable laws (including trade agreements implementing legislation), regulations, by-laws, policies, and any collective agreements which imposes obligations on the City or its Vendors; and
6. Achieve best value for the City of Moncton through the consideration of the full range of procurement formats and the adoption of commercially reasonable business practices.

14. No Lobbying

1. No Bidder or potential Vendor shall contact any member of Moncton City Council or any employee of the City to attempt to influence the award of a Contract. Any activity designed to influence the decision process, including, but not limited to, contacting any member of Council or employee of the City for such purposes as meetings of introduction, social events, meals or meetings related to the selection process, shall result in disqualification of the Bidder for the project to which the influential activity is deemed to be directed.

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2. Notwithstanding the above, this prohibition does not apply to meetings specifically scheduled by the City of Moncton for presentations or negotiations, or to questions which staff of the Purchasing Department may pose from time to time, for clarification of the City's requirements.
3. No Bidder who has been awarded a Contract shall engage in any contact or activities in an attempt to influence any member of Council or any employee of the City with respect to the purchase of additional enhancements, requirements, options or modules. However, a Contractor may communicate with the Purchasing Department or the Finance Department, and with such other persons as authorized by the Purchasing Department or Finance, for purposes of administration of the Contract during the term of the Contract.
4. The determination of what constitutes influential activity is at the sole discretion of the Purchasing Manager, acting reasonably and in consultation with the City Solicitor as required, and shall be final.
5. At the discretion of the Purchasing Manager, any Vendor who violates the provisions of this section shall be prohibited from any further opportunity to provide goods or services to the City for a period of six (6) months from date of written notification to the Vendor.
6. Administration and members of Council are to adhere to the provisions of applicable codes of conduct when considering all actions noted above.

15. Bid Protest and Review Process

Bidders having responded to a bid solicitation opportunity issued by the City of Moncton shall have the right to register a Formal Bid Protest if they are of the opinion that the City's actions in conducting purchasing activities such as the evaluation of bid submissions, or recommending the award of a bid solicitation, have been unfair or inappropriate.

This policy applies to original awards only, and does not cover Contract amendments, extensions, renewals, etc.

The Bid Protest and Review process shall be carried out in conformance with the procedures outlined in *Schedule F*.

Schedule A – Bid Solicitation Methods

1. The City of Moncton's procurement activities must be conducted in accordance with the following laws, regulations and standards, including but not limited to:
 - i. *Income Tax Act* and Regulations;
 - ii. *Excise Tax Act* and Regulations;
 - iii. *Occupational Health and Safety Act* and Regulations;
 - iv. *Worker's Compensation Act* and Regulations;
 - v. *Local Governance Act* and Regulations;
 - vi. *Competition Act* and Regulations;
 - vii. *Right to Information and Protection of Privacy Act (RTIPPA)* and Regulations;

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- viii. *Procurement Act* and Regulations; and
 - ix. City of Moncton By-Laws and all City policies and administrative directives.

 2. The City of Moncton’s procurement of goods, services and construction must comply with the following binding Trade Agreements, including but not limited to:
 - i. Canada-European Union Comprehensive Economic and Trade Agreement (CETA);
 - ii. Canadian Free Trade Agreement (CFTA); and
 - iii. Atlantic Procurement Agreement (APA).

 3. The City’s procurement methods are based on the dollar value of the purchase, risk level, market conditions, and the nature of the procurement transaction, ensuring that the costs and time associated with using a competitive bidding process is proportionate to the benefit received.

The “Total Procurement Value” includes all costs payable to the Vendor by the City which are integrally linked to the procurement, including but not limited to delivery costs (F.O.B. Moncton, NB), brokerage fees, duty and import fees, installation costs, maintenance / warranty costs, training costs, as well as travel costs and estimated out-of-pocket expenses (for procurements involving the retention of Professional Services). Multi-year agreements, including options to renew, are also considered as part of the Total Procurement Value for the term of the agreement, and shall be subject to the thresholds identified below. **SALES TAX SHALL NOT BE INCLUDED.**

 4. Goods and services procured by Schedule B entities (municipalities, academia, schools and hospitals) are **NOT** required to be procured through an open, public competitive bidding process if they fall within the following thresholds:
 - (a) **GOODS** that have an estimated value that is **LESS THAN \$25,000** or the lowest applicable threshold value of any relevant trade agreements, whichever is lesser.

 - (b) **SERVICES** that have an estimated value that is **LESS THAN \$50,000** or the lowest applicable threshold value of any relevant trade agreements, whichever is lesser.¹

 - (c) **CONSTRUCTION SERVICES** that have an estimated value that is **LESS THAN \$100,000** or the lowest applicable threshold value of any relevant trade agreements, whichever is lesser.

 5. Goods and services procured by Schedule B entities which **EXCEED** the thresholds identified above **MUST** be procured through an **OPEN, PUBLIC COMPETITIVE BIDDING PROCESS** (unless an exemption can be applied).

 6. The City’s bid solicitation and award process shall be carried out as follows:
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PROCUREMENT VALUE	BID SOLICITATION METHOD	BASIS OF AWARD	BID SOLICITATION AUTHORITY	BID AWARDING AUTHORITY
\$3,000 or Less	Telephone Quotation	Lowest Cost	Purchasing Cardholder	Purchasing Cardholder
\$3,001 to \$15,000	Telephone Quotation / RFQ	Lowest Cost	Client Department	Purchasing Manager
\$15,001 to \$75,000	Bidding process to be determined by Purchasing	As determined by Procurement Act	Purchasing Department	Purchasing Manager
\$75,001 to \$150,000 (Operating Funds)	Bidding process to be determined by Purchasing	As determined by Procurement Act	Purchasing Department	City Manager
\$150,001 or more (Operating Funds)	Open, public competitive bidding process as per Procurement Act	As determined by Procurement Act	Purchasing Department	City Council
\$150,001 to \$500,000 (Capital Funds)	Open, public competitive bidding process as per Procurement Act	As determined by Procurement Act	Purchasing Department Engineering Department ¹	City Manager
\$500,001 or more (Capital Funds)	Open, public competitive bidding process as per Procurement Act	As determined by Procurement Act	Purchasing Department Engineering Department ¹	City Council

¹ Tenders involving the construction, expansion, or rehabilitation of streets, water system, storm water, and sewer system infrastructure, as approved under the City of Moncton’s Capital Works program, shall be administered by the Engineering and Environmental Services Department.

Schedule B – Expenditure Approval Authority

PROCUREMENT VALUE	BUDGETARY SOURCE	EXPENDITURE APPROVAL AUTHORITY
\$3,000 or Less	Operating or Capital	Purchasing Cardholder
\$3,001 to \$5,000	Operating or Capital	Manager
\$5,001 to \$15,000	Operating or Capital	Director

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\$15,001 to \$50,000	Operating or Capital	General Manager
\$50,001 to \$150,000	Operating Only	City Manager
\$50,001 to \$500,000	Capital Only	City Manager
\$150,001 or more	Operating Only	City Council
\$500,001 or more	Capital Only	City Council

PROCUREMENT VALUE	BUDGETARY SOURCE	EXPENDITURE APPROVAL AUTHORITY
\$25,000 or Less	Unbudgeted Expenditure	City Manager
\$25,000 or Less	Expenditure Exceeding Departmental Project Budget Limit	City Manager
\$25,001 or More	Unbudgeted Expenditure	City Council
\$25,001 or More	Expenditure Exceeding Departmental Project Budget Limit	City Council

Temporary Delegation of Expenditure Approval Authority

Expenditure approval authority may be delegated temporarily to an employee who is a direct subordinate to the individual delegating their expenditure approval authority on a short-term, temporary basis (i.e. during vacation periods, business trips, maternity leave, extended period of illness, or other unplanned absences).

Only the expenditure approval authority of the City Manager, General Managers, and Directors positions may be delegated temporarily to a direct subordinate.

The expenditure approval authority of Managers, Foremen and Supervisors may only be delegated temporarily to their direct superior.

The expenditure approval authority of all other City administration may only be temporarily delegated to their direct superior.

The individual wishing to delegate their expenditure approval authority must submit a request in writing to the Chief Financial Officer or Deputy Treasurer – Corporate and Management Accounting, indicating the name of the individual to whom they wish to delegate their expenditure approval authority, as well as a specific time period when the temporary delegation is to remain in effect.

Permanent Changes to Expenditure Approval Authority

An individual wishing to make a permanent change to their Department’s expenditure approval authority limits or designated expenditure approval authority positions for subordinate staff within their Department must submit a written request to the Chief Financial Officer, and the City Manager, for consideration.

Schedule C – Emergency Purchases

Emergency Purchases - During Regular Hours of Operation:

1. If an emergency arises during regular hours of operation, the User Department requiring goods, supplies or materials must, immediately, notify Purchasing outlining the circumstances giving rise to the emergency.
2. Upon contact with Purchasing, the Department will provide the User Department with either a verbal Purchase Order Number, or the Purchasing Department will make suitable arrangements with the Vendor to provide the goods or services required. A purchase requisition shall be prepared and approved by the User Department shortly thereafter.
3. Requisitions shall reference the Emergency Purchase Order number provided to the User Department, and shall include the Vendor's name, description and price(s), all supporting documentation (i.e. Vendor quote / estimates, e-mail correspondence, etc.), and a brief explanation for the emergency purchase.

Emergency Purchases - After Regular Hours of Operation:

1. In cases of Emergency Purchases - After Regular Hours of Operation, orders for material/service vital to the functioning of the City may be made by personnel of the department in need.
2. The User Department requiring goods, supplies or materials must, immediately, notify Purchasing outlining the circumstances giving rise to the emergency **on the morning of the first business day following the after-hours emergency purchase.**
3. The Purchasing Department will provide the User Department with a verbal Purchase Order Number that shall be provided to the Vendor by the User Department, which must be referenced on the Vendor's invoice. A purchase requisition shall be prepared and approved by the User Department shortly thereafter.
4. Requisitions shall reference the Emergency Purchase Order number provided to the User Department, and shall include the Vendor's name, description and price(s), all supporting documentation (i.e. Vendor quote / estimates, e-mail correspondence, etc.), and a brief explanation for the emergency purchase.

Schedule D – Redistribution or Disposition of Surplus and Obsolete Materials, Vehicles and Equipment

1. The Purchasing Department shall be solely responsible for the sale or disposal of unusable, obsolete, surplus, worn-out or scrapped supplies by or on behalf of the City.
2. An itemized inventory of all supplies which are no longer used or which have become obsolete, which includes a description of each item along with their condition and a digital photo (if available) must be submitted by all client Departments to the Purchasing Manager.

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3. From this listing, materials deemed suitable for redistribution will be offered to all Departments. Requests for surplus items shall be made in writing to the Purchasing Manager by client Departments. Surplus / obsolete items shall not be redistributed to individual employees for personal / home use under any circumstances, unless authorized by the City Manager.
4. If such supplies cannot be used and redistributed within the City, the Purchasing Department shall have the authority to sell, exchange or otherwise dispose of such declared surplus by any of the following disposal methods:
 - As trade-in or salvage during a competitive procurement process
 - By donation to a non-profit agency
 - By sale through an auction site for public sector agencies
 - By recycling
 - Through the solicitation of offers to purchase the item(s) by way of a Quotation issued by the Purchasing Department
5. In the event that the Purchasing Department is unable to dispose of the supplies through one (1) or more of the means identified above, surplus assets shall be scrapped or destroyed.
6. The Purchasing Manager may delegate authority for the disposal of surplus supplies as and when appropriate. Asset tracking processes and procedures shall be documented and retained by the Purchasing Department.
7. The disposal of artifacts is exempt from the requirements of the Procurement Policy.

Schedule E – Contract of Retention for Professional, Consultative or Specialized Services

The appropriate form of contract used to retain Professional, Consultative or Specialized Services shall be determined on a case-by-case basis, and shall be dependent upon such criteria as the duration of the assignment / project, funding sources (operating budget vs. capital budget), complexity and scope, payment schedule and terms, as well as potential financial, legal, reputational and risk considerations to the City.

During the execution of a professional assignment, Consultants will submit invoices based on (1) a monthly progress claim for tasks / work completed within a specified time frame, which represents a portion of the total contract value; or (2) a project milestone / deliverable payment claim once an agreed-upon project milestone / deliverable has been achieved.

The appointed Project Manager will be responsible for reviewing and approving Consultant progress claims as evidence that the Consultant has completed their assigned tasks in a satisfactory manner, and as such, is agreeable to having the Finance Department release payment to the Consultant for the services detailed within the progress claim.

Should the total value of the work completed by the Consultant exceed the budgetary allocation for the project and / or the Total Procurement Value approved by the City Manager or City Council (including the approved Contingency Allowance amount), the Project Manager must seek additional expenditure

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approval authority at the time when the work exceeds or is expected to exceed the budgetary allocation, in accordance with the expenditure approval authority limits established in *Schedule B*.

Schedule F – Bid Protest and Review Process

Bid Review Process

Vendors may request a debriefing concerning their bid submission within sixty (60) calendar days from the date of award of a bidding opportunity.

Should a Vendor wish to dispute the evaluation and award of a bidding opportunity, the Vendor shall submit a written request for the City to review its evaluation and award of the bidding opportunity, specifying which evaluation and award irregularities they believe may exist. Upon receipt of the Vendor's written request, the Purchasing Agent assigned to administer the competitive bidding process shall conduct a review of the bids for irregularities and shall notify the Purchasing Manager if any potential bid irregularities are identified. Irregularities may also be identified during a more in-depth evaluation completed in consultation with the City Solicitor and / or the client Department.

The Purchasing Agent should, whenever possible, provide an acknowledgement and initial response to the Vendor's request for review of the City's decision within two (2) business days.

The Purchasing Agent or Purchasing Manager will then provide a formal response, whenever possible, within ten (10) business days of receipt of the Vendor's written request for a review. The Purchasing Agent or Purchasing Manager may also choose to arrange a meeting to discuss the Vendor's concerns, in which case, the Purchasing Agent or Purchasing Manager may respond, in writing, following the meeting.

Formal Bid Protest

If the Vendor is not satisfied with the information provided by the Purchasing Agent and / or Purchasing Manager, the Vendor must notify the Purchasing Manager that a Formal Bid Protest is being made, and submit their Bid Protest to the attention of the City Manager, as well as the City Solicitor. Only those issues which have been raised, and which the Purchasing Department has had an opportunity to investigate and formally respond to, may be addressed in the Formal Bid Protest.

The City Manager or City Solicitor shall consult with the Purchasing Agent or Purchasing Manager, and may seek further clarification from the Vendor as well, during the course of their investigation into the matter. Within thirty (30) calendar days from the receipt of the Vendor's Formal Bid Protest, the City Manager or City Solicitor shall provide a written response to the Vendor, or arrange a meeting with the Vendor to present their findings and City's final decision.

Schedule G – Duties of Purchasing Agent

The Purchasing Agent, subject to and in accordance with the provisions of the Procurement Policy, shall:

1. Have charge of and be responsible for the organization, establishment, compliance and maintenance of a centralized purchasing system
2. Attempt to procure the most appropriate supplies and services having regard to achieving best value for the City
3. Attempt to obtain full and open competition on all purchases whenever possible

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4. Keep informed of current developments in the field of procurement, prices, market conditions and new products, and secure the benefits of research completed in the field of procurement by other government bodies, technical societies and trade associations having national recognition, and by private businesses and organization
5. Group, correlate and unify the requirements of Departments, and by standardization, to reduce the type of supplies and services used to the minimum number consistent with the needs of each Department. Standardization shall be a joint cooperative effort among the City's Departments, with the Procurement Agent being responsible for its implementation.
6. Explore the possibilities of purchasing in bulk so as to take advantage of volume-based discounts
7. Meet with salespersons or Vendor representatives and refer them to other Departments where technical information is required
8. Visit Vendors when necessary to expedite deliveries, inspect facilities, goods or supplies, or establish goodwill
9. Apply all Federal and Provincial tax exemptions to which the Corporation is entitled
10. Prescribe and maintain forms and / or systems necessary for the operation of the centralized purchasing system
11. Attend to all matters pertaining to customs and excise in the import or export of goods on behalf of the City of Moncton
12. Execute Purchase Orders on behalf of the City for the procurement of goods and services
13. Execute all other forms of Contract on behalf of the City for the procurement of goods and services other than those which require execution by the Mayor and City Clerk
14. Maintain care and control of all original copies of purchasing documentation and related materials (i.e. performance bonds, insurance, etc.) within the appropriate and secure files of the Purchasing Department
15. Documents shall be retained in accordance with the Province of New Brunswick's Records Retention and Disposition Schedule
16. Ensure all competitive bidding processes and activities are in compliance with all City policies and by-laws, and other relevant Provincial or Federal legislation

16. Administration and Contact

City Hall

655 Main St., Moncton, NB E1C 1E8

Telephone: 506.853.3550

Email: info.clerk@moncton.ca