



COUNTY OF WELLINGTON POLICY & PROCEDURE MANUAL

DEPARTMENT	TREASURY	POLICY NUMBER	TR-21-01
SECTION	PURCHASING AND RISK MANAGEMENT	EFFECTIVE DATE	MARCH 25, 2021
SUBJECT	PURCHASING POLICY		
AUTHORITY	PENDING COUNTY COUNCIL APPROVAL ON MARCH 25, 2021		

PURPOSE

To promote and maintain the integrity of the purchasing process to obtain the right goods and services when needed while achieving best value through a fair and transparent competitive process.

The purchasing policy includes the following:

1. The types of procurement processes that shall be used;
2. The goals to be achieved by using each type of procurement process;
3. The circumstances under which each type of procurement process shall be used;
4. The circumstances under which a competitive tendering process is not required;
5. How the integrity of each procurement process will be maintained;
6. How the interests of the municipality, the public and persons participating in procurement will be protected; and,
7. How and when the procurement processes will be reviewed to determine their effectiveness.

OBJECTIVE

The objective of this Purchasing Policy is to achieve consistency, efficiency and competitiveness in the procurement of goods and services.

The County shall:

- Encourage supplier competition by using an open, transparent and fair process;
- Provide direction to all stakeholders relating to the procurement process;
- Provide accessibility for persons with disabilities when purchasing goods and services on behalf of the County;
- Be environmentally conscious through the purchase of goods and services in alignment with the County Climate Change Mitigation Plan;
- Strive to ensure ethical purchasing practices are used by all County staff.

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1. GENERAL

Administration

- a) The Manager of Purchasing or designate, will administer this policy. Authority for purchasing shall be delegated to staff by the Manager of Purchasing, CAO or Department Head as deemed appropriate. Any questions involving the application of this policy must be submitted to the Manager of Purchasing.

Compliance

- a) No contract or purchase shall be divided to avoid any of the requirements of this policy.
- b) Purchasing will combine departmental requirements and issue the bid solicitation in order to achieve maximum savings.
- c) If the Manager of Purchasing administers a procurement process on behalf of an external agency, the procurement will be conducted in accordance with this policy.
- d) Notwithstanding the provisions of this policy, every bid document issued by the County shall contain a provision that the County shall have the right to reject the lowest or any bid at its absolute discretion and that the County also reserves the right to reissue the bid solicitation document in its original form.
- e) Purchases of major unbudgeted items will be recommended by the Department Head or the CAO for approval by the responsible Committee of Council or Local Board. Unbudgeted emergency purchases will be reported to the responsible Committee or Local Board at the earliest scheduled meeting, or at a meeting specially called for that purpose.
- f) Department Heads having express authority from the CAO may procure budgeted items outside of this policy in the interest of promoting efficiency or avoiding delays. Purchases of this nature will be reported to the appropriate Committee.
- g) Failure to comply with provisions of this policy shall be reported to the responsible Department Head. Continued non-compliance will be reported to the County Treasurer and if required to the CAO.
- h) Staff cannot benefit from County contracts. Exceptions may be initiated within the CAO's approval.

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2. AUTHORITY TO AWARD

- a) Schedule “A” attached to and forming part of this Policy, outlines the levels of approval authority for awarding contracts for the procurement of goods and services on behalf of the County and Local Boards.
- b) Upon adoption of the budget by Council, staff are authorized to use the appropriate methods of procurement outlined in this policy.
- c) Staff may use the appropriate methods of procurement for goods and services prior to Council adopting the budget provided that the bid solicitation clearly states that the award is subject to receipt of such approvals.
- d) The County is the ultimate authority for all expenditures. Council provides the authority to initiate a procurement process for goods and services through the approval of the budget. Only Council has the authority to remove items from the approved budget. Staff do not have authority to delete items to account for shortfalls in other projects.
- e) Council may delegate approval authority to its Standing Committees and Staff, by by-law, resolutions or through this Policy.
- f) Unless an express Delegation of Authority is in place, only Council can authorize real estate purchases, construction contracts and unbudgeted purchases necessitated by in-year policy initiatives of Council.
- g) Council may rescind any Delegation of Authority to purchase by the same means it was granted.

3. RESPONSIBILITIES

3.1 General Responsibilities

The anticipated expenditures and purchases of the County are embodied in the Annual Estimates By-Law approved by Council. Throughout the calendar year the responsibility for monitoring the process of purchasing and tendering is shared by Committees of Council, Local Boards and staff.

3.2 Department Head Responsibilities

The Department Head is ultimately responsible for all purchasing done by the staff in their department.

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3.3 Manager Responsibilities

The Manager of a Department shall:

- a) Prepare and approve all specifications and terms of reference in consultation with Purchasing;
- b) Manage contracts to ensure goods and services received by the County comply with contract terms and conditions;
- c) Ensure that the required certificates of insurance and WSIB are received and forwarded to Purchasing;
- d) Monitor all contract expenditures ensuring that all financial limitations have been complied with and that all accounts are paid within the times set out in the contract;
- e) Standardize the use of goods and services, where such standardization demonstrably supports operational efficiencies;
- f) Conduct contract reviews and inspection to ensure that the scope of work and goods and services are delivered in accordance with the contract;
- g) Notify the Manager of Purchasing of any contract discrepancies;
- h) Monitor the performance of suppliers and document performance issues;
- i) Notify the Manager of Purchasing of any performance issues;

3.4 Manager of Purchasing Responsibilities

The Manager of Purchasing shall:

- a) Ensure that the appropriate procurement method is followed by staff who conduct purchases of goods and services as outlined in the monetary limits of this policy;
- b) Be responsible for the administration and interpretation of this policy;
- c) Provide procurement advice to staff;
- d) Prepare bid solicitations;
- e) Ensure procedural compliance of bids;
- f) Review specifications, scope of work and terms of reference to ensure fairness to all bidders;
- g) Promote and coordinate participation in collaborative procurement contracts with other public sector agencies when such opportunities are in the best interest of the County;
- h) Promote the standardization of goods and services, where such standardization demonstrably supports operational efficiencies;
- i) Participate in contractor performance reviews with staff;
- j) Coordinate the consolidation of similar goods and services for the County in order to achieve volume discounts and administrative efficiencies;
- k) Create and/or amend policies, practices and procedures that support the objectives and application of this policy;
- l) Act on behalf of the County and Local Boards for the purposes of the purchase or disposal of goods and services;
- m) Be responsible for ensuring that where applicable, all procurement processes are compliant with relevant Trade Agreements.
- n) Review feedback from staff on the Purchasing Policy annually; and,
- o) Conduct a formal policy review every five (5) years.

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4. PROCUREMENT METHODS

The procurement methods below must be followed, unless determined otherwise by the Manager of Purchasing.

All purchases of goods and services, with the exception of items outlined in Schedule “B” shall be undertaken using one of the following methods of procurement.

INFORMAL PROCESSES - UNDER \$100,000		FORMAL PROCESSES - OVER \$100,000	
Direct Purchase & Informal Quotation	Request for Quotation –RFQ	Request for Tender - RFT	Request for Proposal - RFP
Under \$50,000	\$50,001 to \$100,000	Over \$100,001	Any Dollar Value

4.1 Informal Processes

Informal processes may be completed by the department or Purchasing and shall include Direct Purchase or Informal Quotation. It will also include the Request for Quotation process where Purchasing will assist in the document creation with the department.

Staff must exercise sound business practices and should be mindful that these purchases are ultimately paid for using public funds. Managers must ensure that purchases made within their department are done in accordance with this policy.

a) Direct Purchases

- i. Direct purchases as described below may be used when:
 - The cost of the item is **less than \$10,000**;
 - The item is not covered under an existing contract;
 - The ability exists to provide a clear and concise description of what is being purchased; and,
 - The goods and services are for a one-time need vs ongoing.
- ii. Staff are authorized to use the direct purchase method for making small order purchases with the approval of their Manager.
- iii. Direct purchases should be made using one of the following methods and in accordance with the policies associated with each:
 - In writing, via email or other;
 - A Purchase Order, if available;
 - A pre-arranged method whereby the supplier has agreed to invoice the County;
 - Corporate Credit Card;
 - Petty Cash

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b) Informal Quotations

- i. Informal Quotations will be used when:
 - The cost of the item is **between \$10,001 and \$50,000;**
 - The department is authorized to issue informal quotation requests via written communication to solicit pricing;
 - Each bidder will receive same information and the department will award to the lowest compliant bidder;
 - A minimum of three quotes should be obtained whenever possible;
 - The ability exists to provide a concise description of what is being purchased, and
 - The item is for a one-time need, not an ongoing need.
- ii. Staff is authorized to use an Informal Quotation purchase method for making small order purchases with the approval of their Manager.
- iii. Purchases should be made using one of the following methods in accordance with the policies associated with each:
 - in writing, via email or other;
 - a Purchase Order, if available;
 - Corporate Credit Card; and,
 - a pre-arranged method whereby the supplier has agreed to invoice the County.

c) Request for Quotation – “RFQ”

- i. The RFQ process must be used when:
 - The cost of the item is **between \$50,001 and \$100,000;**
 - The ability exists to provide a concise description of what is being purchased;
 - The item being purchased is for a one time need, not an ongoing need;
 - The RFQ will be given a project number based on the Purchasing Department’s numbering and naming convention;
 - Best value for the County can be achieved by an award selection made on the bases of lowest compliant bid that meets the specifications;
 - It is the department’s responsibility to prepare the specification; and,
 - It is the Purchasing Department’s responsibility to prepare the Request for Quotation document. The department will review the document prior to it being issued by Purchasing.
- ii. The RFQ method allows potential bidders to be invited to participate in the quotation process. The department is required to provide contact information for a minimum of three (3) bidders.
- iii. A fair and competitive method process is undertaken whereby a minimum of three (3) quotes are sought using fair and ethical purchasing practices and the lowest compliant bidder is awarded the contract. These bids must be kept on file by the department for a minimum of seven (7) years for auditing purposes.

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4.2 Formal Processes

Formal processes will be issued by Purchasing and include Requests for Tenders and Requests for Proposals.

a) Request for Tender – “RFT”

- i. RFT procedures shall be used when:
 - the cost of the item is **greater than \$100,000**;
 - the ability exists to detail what is being purchased; and,
 - Best value for the County can be achieved by an award selection made on the basis of the lowest compliant bid that meets the minimum specifications.

- ii. The following steps apply:
 - a) The department must provide Purchasing with detailed specifications.
 - b) Purchasing will incorporate the specifications into a final bid solicitation document.
 - c) Purchasing will coordinate and administer the tendering process.
 - d) Purchasing will advertise the RFT in accordance with Section 7.0 of this policy.
 - e) Unless determined otherwise by the Manager of Purchasing, all RFT’s will be posted within the County’s bidding system.
 - f) Bid pricing will be reviewed jointly by Purchasing and the department.
 - g) Prior to award, the department or consultant (as applicable), in consultation with Purchasing shall be responsible for reviewing the bids to verify that all specification requirements are met. Purchasing will review the bids to ensure that there are no irregularities contained within the bid and that all terms and conditions as outlined in the bid document have been satisfied.
 - h) In accordance with Schedule “A” Authority to Award, the department in consultation with Purchasing will make a recommendation for award.

b) Request for Proposal “RFP”

- i. RFP method of procurement shall be used when:
 - the solution to the requirement cannot be accurately specified;
 - innovative solutions are required; and,
 - To achieve Best Value, the award selection will be made based on a previously disclosed evaluation method involving a combination of mandatory and desirable requirements.

- ii. The following steps apply:
 - a) The department shall provide the Terms of Reference section of the RFP and Purchasing will incorporate it into the RFP document.
 - b) Purchasing will coordinate and administer the RFP process.
 - c) Purchasing will advertise the RFP in accordance with Section 7 of this policy.
 - d) Unless determined otherwise by the Manager of Purchasing, all RFP’s will be posted within the County’s bidding system.

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- e) All RFPs shall disclose the evaluation criteria that will be used to make a decision for award.
 - f) Evaluation criteria may include, but is not limited to factors such as qualifications and experience, strategy, approach, methodology, past performance and pricing.
 - g) The department may identify appropriate evaluation criteria;
 - h) Best value is a combination of quality and pricing;
 - i) All RFP's shall be advertised in accordance with Section 7 of this policy;
 - j) RFP's will be issued via the County's electronic bidding system, unless determined otherwise by the Manager of Purchasing;
 - k) A project evaluation team will be established consisting of a minimum of two County staff, and where applicable the project consultant;
 - l) The evaluation team shall review all proposals against the stated criteria to determine a score for each proponent.
 - m) The evaluation team shall determine the highest score based on a consensus scoring process.
 - n) Recommendation for award will be determined by the department based on the bidder having highest (consensus) score;
 - o) Scoring summaries prepared by the project evaluation team are not published publically. Scoring summary information may only be released under the provisions of the Municipal Freedom of Information and Protection of Privacy Act R.S.O. 1990;
- iii. The RFP method of procurement is a competitive method that may result in further negotiation with one proponent or a short listed group of proponents prior to a Purchase Order or contract being finalized;

4.3 REQUEST FOR PREQUALIFICATION – “RFPQ”

- a) The RFPQ shall be used when:
 - The project or work will require substantial project management by staff and could result in substantial cost to the County if the supplier is not appropriately qualified.
 - The work involves complex, multi-disciplinary activities, specialized expertise, equipment or financial requirements.
 - To develop a list of suppliers or professional service suppliers that may be eligible to submit a bid on a subsequent bid solicitation or to develop a roster to provide supplies or perform professional services.
 - Miscellaneous repairs and services required by the County such as electricians, general contractors or other trades.
 - There could be substantial consequences on County operations if the work is not satisfactorily performed the first time.
 - Any other circumstances as deemed appropriate by the Manager of Purchasing.
- b) An RFPQ is not a legal offer but only an invitation for suppliers to make offers to the County.

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4.4 REQUEST FOR EXPRESSION OF INTEREST (EOI) OR REQUEST FOR INFORMATION (RFI)

- a) The Manager of Purchasing is authorized to conduct an EOI/RFI for the purpose of determining:
 - the availability of suppliers for a specific good or service; and,
 - Suppliers that may be for a used for a procurement process.
- b) The receipt of an expression of interest or information does not create an obligation between the potential supplier and the County.

4.5 OTHER PROCESSES

a) Standing Contracts

- i. Standing contracts result from a competitive bid process;
- ii. Standing contracts are in place for a specified period of time;
- iii. A standing contract may be used when:
 - One or more departments repetitively order the same goods or services and the actual demand is not known in advance;
 - A need is anticipated for a range of goods and services for a specific purpose, but the actual demand is not known at the outset, and delivery is to be made where a requirement arises;
 - Achieving economies of scale for multi-year contracts for goods and/or services;
 - More than one supplier may be selected where it is in the best interest of the County and it is stated as such in the bid solicitation;
- iv. County departments are encouraged to use standing contracts when possible to take advantage of competitive pricing;

b) Standing Contractors/Rosters

- i. Standing contractor lists are a result of a competitive bidding process, which prequalifies bidders to be placed on a list where they will be provided equal opportunity to perform work for the County as it becomes available;
- ii. Once bidders have been selected through a competitive process, they will be placed on a master list for use by County departments;
- iii. Each department is to manage the list of contractors fairly;
- iv. Only service suppliers/contractors may be on this list;
- v. The Manager of Purchasing may divide the list of contractors into geographic areas;

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- vi. Rosters will be valid for a period of no longer than five years from the date it was established;
- vii. The Manager of Purchasing may add or remove contractors during the contract term.

c) In-House Bidding

- i. The County will not consider in-house bids for goods and services that compete with the private sector during any procurement process.

d) Unsolicited Proposals

- i. Unsolicited bids received by the County shall be reviewed by the respective Department Head jointly with the Manager of Purchasing;
- ii. Approval authority shall be in accordance with Schedule “A”;
- iii. Unsolicited proposals must be in writing, detailing information on a product or service that may provide the County with a significant value and/or savings.
- iv. Unsolicited proposals may be accepted and a contract entered into for a maximum of one year, without a competitive process, providing the total annual expenditure is less than \$100,000.

e) Cooperative Purchasing

- i. The County supports membership in the Guelph Cooperative Purchasing Group and the Grand River Cooperative Purchasing Group. The County also participates in contracts offered by other government agencies and group purchasing organizations deemed to be in the best interest of the County.
- ii. Approval authority shall be in accordance with Schedule “A”.

f) Sole and Single Source

- i) Sole sourcing is a non-competitive method of procurement when there is only one possible supplier for goods and services. Sole sourcing will be permitted if one or more of the following circumstances apply:
 - When a required item is covered by an exclusive right such as a patent, copyright, exclusive licence, sales or distribution agreement or where measures are necessary to protect intellectual property;
 - Service is from a public utility;
 - The supply relates to the purchase of replacement parts that must be compatible with goods previously supplied, and there is no reasonable alternative to that specific product; and

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- To maintain warranty or service agreement terms for a product already purchased.
- ii) Single sourcing is a non-competitive method of procurement when there is more than one possible supplier for goods and services. Single sourcing will be permitted if one or more of the following circumstances exist:
- Expiration of a contract has occurred and the department wants to maintain the existing service provider to ensure the level of service and pricing;
 - Disclosure of information through a competitive procurement process would breach some duty of confidentiality or compromise security;
 - Compatibility of a purchase with an existing piece of equipment, product standards, facilities or service is an overriding consideration (i.e. fleet management, parts standardization);
 - Purchase of additional goods and services from the original supplier cannot be made from an alternate supplier for economic or technical reasons such as requirements of interchangeability or interoperability with existing equipment, software, services, or installations procured under the initial procurement; and would cause significant inconvenience or substantial duplication of costs for the County;
 - Absence of competition for technical reasons and the goods and services can only be supplied by a particular supplier;
 - An unforeseeable urgent situation exists and the goods and services cannot be obtained in time by conducting a competitive procurement process;
 - Existing rental contract which includes an option to purchase which is deemed to be beneficial to the County;
 - Matters involving security, police matters or confidential issues, in which case a purchase may be made in a manner that protects the confidentiality of the supplier and/or the County;
 - Conducting a competitive procurement process may be determined to be impractical;
 - Where goods and services are being purchased for purposes of testing or trial use and there is a clearly established deadline for the testing or trial period that does not exceed twelve (12) months;
 - There are no bids in response to a bid solicitation;
 - Where construction materials are to be purchased and it can be demonstrated that transportation costs or technical considerations impose geographic limits on the available supply chain, specifically in the case of sand, stone, gravel, asphalt, compound and pre-mixed concrete for the use in construction of road repair;
 - When an urgent procurement is necessary for fulfilling a statutory order issued by a federal or provincial authority (compliance order);
- iii) All sole source and single source contracts must be approved by the respective Department Head and the Manager of Purchasing in accordance with Schedule “A” – Authority to Award.

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g) Negotiation

Notwithstanding any other sources within this policy, the Manager of Purchasing will have the option of entering into negotiations with a supplier when it is in the best interest of the County.

Under the direction and control of Purchasing, the requirement for competitive bid solicitation for goods and services may be waived under the authority of this policy and replaced with negotiations as it relates to the circumstances within section (f) – Single and Sole Sourcing.

When negotiations are deemed necessary, they shall be carried out jointly in co-operation with the department.

- i. Negotiation may be used only under the following circumstances:
 - Those outlined in sole and single sourcing;
 - As a result of an RFP process, if required;
 - When there is a business case to extend a contract beyond its initial term, such as when additional work is required that pertains to a current or recently completed project;
 - During negotiation of annual renewals within a contract period;
 - The lowest bid meeting specifications is in excess of available budget;
 - When all bids received fail to meet specifications or terms and conditions, and it is impractical to reissue the bid solicitation;
 - When negotiating rebates based upon the annual purchase value with suppliers;
 - When negotiating improved discounts for quick payment of invoices;
 - When suggesting alternative products, offering equal or higher performance at lower costs;
 - When negotiating better warranties; and,
 - When negotiating no-charge extras.

h) Procurement in Emergencies

- i. Notwithstanding the provisions of this by-law, an emergency purchase shall be made with authorization from the appropriate Department Head or CAO, when an event occurs that is determined by the Warden, CAO or appropriate Department Head or designate, to be a threat to the following:
 - An imminent or actual danger to the life, health or safety of an official or an employee while acting on the County’s behalf;
 - An imminent or actual danger of injury to or destruction of real or personal property belonging to the County;
 - The welfare of persons or of public property;
 - The security of the County’s interests and the occurrence requires the immediate delivery of goods or services and time does not permit for competitive bids;
 - An unexpected interruption of an essential public service; and
 - Emergency as defined by the Emergency Plan Act, R.S.O. 1990, Chapter E.9 and the emergency plan formulated by the County;

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- A spill of a pollutant as contemplated by Part X of the Environmental Protection Act R.S.O. 1990, Chapter E.19;
- Mandate of a non-compliance order;
- Emergency purchases will be reported to the responsible Committee of Council at the earliest scheduled meeting, or at a meeting specially called for that purpose.

i) Other Non-Competitive Items

The County may procure goods and services without a competitive process provided that any of the following conditions apply:

- For purchases made under exceptionally advantageous conditions that only arise in the very short term in the case of unusual disposals such as those arising from liquidation, receivership, or bankruptcy, but not for routine purchases from regular suppliers;
- If a contract is awarded to a winner of a design contest organized by a solicitation process;
- Employment contracts;
- Non-legally binding agreements;
- Acquisition or rental of land (i.e. property leases), existing buildings, or other immovable property, or the rights thereon and related services provided by the contractor as part of the contract;
- Procurement or acquisition of fiscal agency or depository services;
- Liquidation and management services for regulated financial institutions;
- Services related to the sale, redemption, and distribution of public debt, including loans and government bonds, notes, and other securities;
- Procurement of financial services respecting the management of the County's financial assets and liabilities (i.e. treasury operations), including ancillary advisory and information services, whether or not delivered by a financial institution;
- Health services or social services;
- Procurement of goods and services financed primarily from donations that require the procurement to be conducted in a manner inconsistent with this policy;
- By the County on behalf of an entity not covered by this policy;
- Between the County and another government body or enterprise;

4.6 INVITATIONAL BIDS

Where deemed appropriate by the Manager of Purchasing, an invitational competitive bid solicitation processes may be conducted. An invitational bid solicitation process is when only a select number of potential bidders are invited to submit bids.

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4.7 TIE BIDS

In the event of tie bids being received the names of those firms involved in the tie bid will be put in a hat and a draw will be held. The firm whose name is drawn will be awarded the contract.

4.8 CORPORATE CREDIT CARDS

- a) The Corporate Credit Card shall be used when:
 - i. The purchase is for goods and services where the County has no prior credit arrangements;
 - ii. The purchase is under \$50,000.00 excluding H.S.T.
- b) County credit cards are issued based on an employee's proven need for a card.
- c) All requests for County credit cards shall be approved by the CAO and/or Treasurer as well as the employee's Department Head.
- d) The issuance of a Corporate Credit Card and the setting of the credit limit are established by the Treasurer in consultation with the employee and the appropriate Department Head with due consideration of the following:
 - i. The extent of travel and attendance at off-site meetings;
 - ii. The type and volume of expenditures for which the card is anticipated to be used;
 - iii. Establishing a credit limit with a supplier(s) is not possible or impractical;
- e) The employee and their Department Head must sign an Employee Agreement prior to the issuance of the credit card – Refer to Schedule D – Employee Credit Card Agreement.
- f) The employee shall ensure that the credit card is used for legitimate County expenditures only, and shall not be used for personal or other expenditures. Cash advances are not permitted.
- g) It is the employee's responsibility to resolve any discrepancies by either contacting the supplier or the bank. If a problem cannot be resolved, the employee should contact Purchasing staff.
- h) Credit card receipts are to be retained by the employee and reviewed by their immediate supervisor and/or Department Head along with their corporate credit card statement and monthly reconciliation summary. These receipts, statement and forms are to be retained in accordance with the records retention by-law and may be subject to audit and must be provided to the Treasury Department immediately upon request.

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5. CONTRACT RISK MANAGEMENT

5.1 Bid Bond and Agreement to Bond

- a) Purchasing, in consultation with the department, will determine whether a bid bond and agreement to bond are required as part of the project submission requirements.
- b) The amount of the bid bond will be 10% of the bid amount (excluding tax), or in the absence of this, 10% of the estimated project budget.
- c) Bid bonds (bid deposit) may include any one of the following:
 - i. Bid bond;
 - ii. Certified cheque, money order or bank draft payable to the County.
 - iii. An irrevocable letter of credit from a Canadian banking institute naming the County as the beneficiary.
- d) Bid bonds and agreements to bond must be irrevocable for a minimum of sixty (60) days.
- e) Digital bonds are preferred in order to verify their validity as part of acceptance in the bidding system.
- f) The County may at its discretion, access a bidders bid bond that was forfeited as a result of a bid withdrawal after the closing.
- g) The County will return bid bonds of unsuccessful bidders following the award of the contract. The County reserves the right to use the awarded bidders bid bond as a performance bond.

5.2 Other Guarantees

- a) Purchasing in consultation with the department will determine the most appropriate means to guarantee execution and performance of the contract including but not limited to set offs, holdbacks and liquidated damages.
- b) The successful bidder must provide a 50% performance bond, labour and material payment bond or maintenance bond for any procurement over \$500,000 in accordance with the Construction Act of Ontario, section 85.
- c) The performance bond is used to guarantee the substantial performance of the contract.
- d) The labour and material payment bond is used to guarantee that subcontractors and suppliers are paid by the contractor performing the contract.
- e) The maintenance bond is used to guarantee the fulfillment of the contractor's obligation under the warranty clause of the contract.

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- f) Purchasing shall ensure that the guarantee method selected will be sufficient to cover financial risks, fairly apply penalties for deficiencies and comply with any applicable statutes and regulations.
- g) A holdback amount of 10 percent of the contract price shall be retained on construction contracts where a lien may arise.
- h) Additional holdbacks may be permitted as deemed appropriate.

5.3 Insurance

- a) Prior to contract execution, or where deemed appropriate by the department, Purchasing or the County's insurer, evidence of satisfactory insurance coverage must be obtained from the contractor in the form of a Certificate of Insurance.
- b) The type of insurance required will be relevant to the type of project.
- c) The certificate of insurance must name the County as an additional insured inclusive as a cross liability clause.
- d) Certificates of insurance are to be forwarded to Purchasing where they will be logged and tracked for compliance.
- e) Workplace Safety and Insurance Board:
 - i. The successful bidder is responsible to provide a WSIB clearance certificate prior to starting the work.
 - ii. If the bidder considers themselves to be an independent operator and does not require a WSIB clearance certificate, application shall be made prior to the project starting for consideration by WSIB.

6. DISPOSAL OF SURPLUS AND OBSOLETE GOODS

The Manager of Purchasing, shall from time-to-time, obtain from the Department Heads itemized inventories of all unusable, obsolete, worn-out, disused or scrapped goods which are surplus to the needs of the County. If such goods can be used by another department they shall be made available to that department. If such goods cannot be used for the purposes of the County, the Manager of Purchasing in consultation with the user department, shall sell goods through public auction or dispose of appropriately.

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7. ADVERTISING

- a) Bid opportunities of \$100,000 or more will be posted on the County’s electronic bidding website.
- b) These advertising provisions do not apply to sole and single source, negotiation, procurement emergencies, non-competitive purchases and other procurement processes initiated by the County in which bid solicitation documents are supplied to selected bidders as provided in this policy.

8. MONETARY REFERENCES

- a) All references to dollar amounts in the policy are in Canadian dollars;
- b) For bid evaluation purposes, bids submitted in a currency other than Canadian dollars shall be converted to Canadian dollars at the exchange rate established by the Treasury Department;
- c) All references to dollar amounts in this policy do NOT include tax.

9. CANADIAN CONTENT

The County will endeavor to achieve best value in the procurement of goods and services. With this in mind, the County will not be bound to procure goods and services based on Canadian content.

10. LOCAL PREFERENCE

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

11. SUSTAINABLE PROCUREMENT

Wherever possible, the County will acquire goods and services that minimize the impact on the environment by selecting goods that have reduced, reusable and recyclable packaging and services that perform efficiently and effectively. Factors such as quality, delivery lead times, long-term benefits and operational efficiencies will be considered when purchasing decisions or recommendations are being made.

Evaluation criteria will be incorporated into bid solicitations where appropriate to consider the sustainable elements of goods and services. The Manager of Purchasing will implement responsible practices to ensure purchasing decisions benefit the County while minimizing its impact on the environment.

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12. REPORTING

12.1 To Council

Reports requiring Council approval will be prepared by Purchasing on behalf the department. The following procurements are subject to Council approval:

- a) Any contract exceeding \$500,001 annually;
- b) Any contract exceeding the approved budgeted amount;
- c) Any acquisition of goods and services that is not already approved in the current year's budget, such items requiring pre-budget approval must be reported to Council in order to have the expenditure authorized via resolution;
- d) Where authority to award has not been expressly delegated;
- e) Council approval is required to approve County pilot projects.

12.2 Bi-Annual Update

Purchasing will prepare a bi-annual report with tender award results that are within budget and between \$250,001 and \$500,000. Staff have authority to award purchases up to \$500,000 provided the lowest price meeting the specifications are being accepted and the project is within the approved budget.

13. ACCESSIBILITY

The County is a major purchaser of goods and services. It is important that procurement processes are inclusive so that all bidders can participate, and all contracted parties are aware of the need to provide accessible goods and services.

When it is not practicable to incorporate accessibility criteria and features when procuring or acquiring goods and services, the County shall provide upon request, an explanation.

Documents created, adapted or presented on behalf of the County or to County staff will be made available in alternate formats to the public upon request. Contracted suppliers must agree in the contract to provide documents in the formats requested for the lifespan of the document. The contracted supplier could provide the materials in a text version that is compatible with County software.

Contractors must have the ability to produce deliverables in accessible formats and make sure that all communication, equipment, venues and materials take into account a person's disability so that all in attendance may participate equally.

When a contract includes event venues there must be an ability to provide accessible venues, catering arrangements, alternative formats, communication supports, adequate lighting and support.

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In accordance with section 6 of Ontario Regulation 429/07, Accessible Standards for Customer Service, the contractor is responsible to ensure that all of its employees, volunteers and others for which the contractor is responsible are adequately trained as per the County of Wellington Human Resources Policy 16.25 (Accessible Standards for Customer Service & Use of Assistive Devices).

14. CONFIDENTIAL INFORMATION

The Manager of Purchasing will not disclose commercial information, such as unit pricing and detailed information provided on potential solutions. Nonetheless, it should be noted that all information collected by the County is subject to the Municipal Freedom of Information and Protection of Privacy Act.

15. CONFLICT OF INTEREST

No goods and services shall be purchased by the County from staff, members of Council, or from any business in which any staff or members of Council are officers of such business without express approval by Council.

The Manager of Purchasing shall not make or authorize personal purchases for any members of Council or staff.

16. LEGAL CLAIMS

No bid will be accepted from any bidder including the bidder's subcontractors, who has a claim or has instituted a legal proceeding against the County or against whom the County has a claim or instituted a legal proceeding, without prior approval of Council.

The County may, in its absolute discretion, reject a bid submitted by a bidder if the bidder, or any signing officer or director of the bidder is or has been engaged, either directly or indirectly through another corporation, in a legal action against the County, its elected or appointed officers and staff in relation to:

- a) Any other Contract or services; or
- b) Any matter arising from the County's exercise of its powers, duties, or functions.

In determining whether or not to reject a bid under this clause, the County will consider whether the litigation is likely to affect the bidder's ability to work with the County, its consultants and representatives, and whether the County's experience with the bidder indicates that the County is likely to incur increased staff and legal costs in the administration of the contract if it is awarded to the bidder.

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17. EXCLUSION OF BIDDERS

The Department Head/Manager is responsible for documenting contractor performance issues and reporting the issues to the Manager of Purchasing.

The Treasurer in consultation with the County's solicitor, may at their sole discretion, prohibit an unsatisfactory contractor from bidding on future bid opportunities.

18. AUTHORITY TO EXECUTE CONTRACTS

Subject to statutory requirements and where all the requirements of this policy have been met, the Warden and Clerk are authorized to execute contracts and any related documents that have been prepared in a form satisfactory to the County solicitor, except where otherwise provided. Notwithstanding the foregoing, the Warden and Clerk may not be required to sign amendments to existing agreements.

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DEFINITIONS

In this By-law,

“Agreement to Bond” means a bond issued by a surety company that ensures that if the contractor is awarded the job and signs the contract, the surety will provide the performance bond and labour and material payment bond required in order to commence with the project;

“Award” means authorization to proceed with the purchase, sale or disposal of goods and services from or to a chosen Supplier;

“Best Value” means the optimal balance of performance and cost determined in accordance with pre-defined criteria. Best Value may include a time horizon that reflects the overall life cycle of a given asset;

“Bid” means any offer or submission made by a person in response to a Bid Solicitation pursuant to this Policy;

“Bid Bond” or “Bid Deposit” means a certified cheque, bank draft, or bond surety issued by a surety company or other form of financial security to ensure the successful Bidder will enter into a contract;

“Bid Solicitation” means a formal request to Bidders to participate in a Bid opportunity;

“Bidder” means the entity, entities or individual(s), as applicable, who submit a Bid in response to a solicitation process;

“Bidding System” means the County’s electronic bidding system;

“Budget” means the annual Operating and Capital budget approved by Council;

“CAO” means the Chief Administrative Officer for the County;

“Certificate of Clearance” means a certificate issued by the Workplace Safety and Insurance Board (WSIB) that shows that a business is registered and up to date with reporting and payments;

“Certificate of Insurance” means a certificate of proof of insurance from a licenced insurance company in the Province of Ontario;

“CETA” means the Canada-European Union Comprehensive Economic and Trade Agreement;

“CFTA” means the Canadian Free Trade Agreement, specifically Chapter Five, Government Procurement;

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“**Clerk**” means the Clerk of the County;

“**Committee**” means a Standing Committee of County Council;

“**Competitive Solicitation**” means a procurement process where more than one Bidder is given an equal opportunity to submit a Bid in accordance with this Policy;

“**Compliant**” means a Bid that meets the terms, conditions and material requirements of the Bid Solicitation;

“**Conflict of Interest**” in respect of any matter dealt with in this Policy includes a situation where a personal or business interest of a councillor, officer or employee of the County is in conflict, or is perceived to be in conflict with the best interests of the taxpayers of the County, and includes a direct or indirect pecuniary interest of any councillor, officer or employee of the County, or their spouse, parent or child in any bid or any corporation related to the bidder;

“**Contract**” means a binding agreement between two or more legal entities, awarded under this Policy;

“**Contractor**” means the legal entity (organization or individual) who has entered into a Contract with the County to deliver goods and services, as described in the Contract.

“**Cooperative Purchasing**” means coordination of County purchases with purchases of other public entities;

“**Corporate Credit Card**” means the corporate credit card used by authorized staff to pay for purchases in accordance with this Policy;

“**Council**” means the Council of the Corporation of the County of Wellington;

“**County**” means the Corporation of the County of Wellington;

“**Delegated Authority**” means the legal right to conduct the tasks outlined in this Policy, as approved by Council;

“**Department**” means any department of the County;

“**Department Head**” means the Department Head for their respective area of the County;

“**Designate**” means a person appointed to act in some or all situations, in the same capacity as another;

“**Disability**” or “**Disabilities**” shall have the same meaning as that in the Ontarians with Disabilities Act 2001, S.O. 2001, c.32 or any successor legislation thereto;

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“Emergency” A situation or an impending situation that constitutes a danger of major proportions that could result in serious harm to persons or substantial damage to property and that is caused by the forces of nature, a disease or other health risk, an accident or an act whether intentional or otherwise; these situations could threaten public safety, public health, the environment, property, critical infrastructure and economic stability;

“Informal Quote” means a request for prices on specific goods or services obtained informally from selected sources;

“In-House Bids” means a bid from an internal department which competes with external entities for procurement opportunities;

“Labour and Material Bond” means a bond issued by a surety company licenced to operate in Ontario to ensure that the Contractor will not default on payments owed to their Subcontractors and Suppliers;

“Litigation” means a situation where a legal proceeding has been commenced against the County or has been initiated by the County;

“Local Boards” include County boards, the Wellington County Public Library Board, the Wellington County Police Services Board, Wellington Housing Corporation, and any other board, commission, committee, body or local authority established or exercising any power under any Act with respect to the affairs and purposes of the County. It excludes Wellington-Dufferin-Guelph Public Health, school boards, hospital boards and conservation authorities;

“Maintenance Bond” means a bond issued by a surety company licenced to operate in Ontario to guarantee against any possible defects (on Contractor work) after the completion of a Contract for a specified period of time;

“Manager” means the person who is responsible for the purchasing done in their respective department;

“Manager of Purchasing” means the Manager of Purchasing and Risk Management Services;

“Negotiation” means a process whereby the County may negotiate directly with one or more Suppliers with the intent to award a Contract or extend an existing Contract;

“Performance Bond” means a bond issued by a surety company licenced to operate in Ontario to guarantee the Contractor will carry out the work in accordance with the terms of the Contract;

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“**Pilot Project**” means an activity planned as a test trial that may or may not require a competitive process to occur at the discretion of the Manager of Purchasing;

“**Procedures**” means the internal instructions or guidelines to departments made pursuant to this Policy and approved by the Manager of Purchasing;

“**Professional Service Supplier**” means a supplier of services requiring professional skills for a defined service requirement including, but not limited to architects, engineers and consultants;

“**Purchase Order**” means the purchasing document used to formalize a purchasing transaction with the Supplier;

“**Request for Expressions of Interest**” or “**EOI**” is a focused market research tool used to determine bidder interest in a proposed procurement. It may be used simultaneously with a Request for Prequalification when the proposed procurement is well defined and the department has clear expectations for the procurement;

“**Request for Information**” or “**RFI**” is used prior to issuing a Bid Solicitation as a general market research tool to determine what products and services are available, scope out business requirements, and/or estimate project costs;

“**Request for Proposal**” or “**RFP**” means a process where a need is identified, but the method by which it will be achieved is unknown at the outset. The process allows Bidders to propose solutions or methods to arrive at the desired result and each proposal is evaluated based on defined criteria in the Bid Solicitation;

“**Request for Pre-Qualification**” or “**RFPQ**” means a process used to prequalify bidders for subsequent participation in Bid opportunities;

“**Request for Quotation**” or “**RFQ**” means a competitive procurement process for obtaining bids based on precisely defined requirements for which a clear or single solution exists;

“**Request for Tender**” or “**RFT**” means a competitive procurement process for obtaining bids based on precisely defined requirements for which a clear or single solutions exists;

“**Single Source**” means more than one source is available but for reasons of function or service, one supplier is recommended for consideration of the particular goods or services;

“**Sole Source**” means there is only one available supplier of the required goods or services;

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“**Specifications**” means a set of documented requirements to be satisfied by a material, design, product or service and other criteria which describe the goods and services;

“**Staff**” means individuals employed by the County;

“**Standardization**” is a management decision-making process that examines a specific common need or requirement and then selects a good or service that best fills that need to become the standard;

“**Standing Contractors**” means a list or roster of prequalified Contractors or Professional Service Suppliers used by the County to provide supplies or perform services to support County operations;

“**Supplier**” is a supplier or seller of goods and services;

“**Tied Bids**” means two or more compliant Bids that have obtained the same ranking or price after a competitive procurement process;

“**Treasurer**” means the Treasurer of the County;

“**Unsolicited Proposal**” means a submission from any source whereby a department believes that proposal may be of benefit to the County and the information has not been submitted in response to a Bid Solicitation;

“**Warden**” means the elected Warden of the County.

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SCHEDULE A – AUTHORITY TO AWARD

This section defines Delegated Authority and Council Authority required to award purchases under this policy.

Staff have authority to award purchases up to \$500,000 provided the lowest price meeting the specifications are being accepted and the project is within the approved budget.

AUTHORITY TO AWARD	DOLLAR VALUE	METHOD OF PROCUREMENT
Staff with Delegated Authority	\$50,000 or less	Corporate Credit Card / Purchase Order /Direct Purchase/ Informal Quote
Managers	\$50,001 - \$100,000	Request for Quotation / Request for Tender / Proposal
Department Heads	\$100,001 - 150,000	Request for Tender / Proposal / Negotiation
CAO / Treasurer	\$150,001 to \$250,000	Request for Tender / Proposal / Negotiation
CAO, Treasurer & Department Head	\$250,001 to \$500,000	Request for Tender / Proposal / Negotiation
County Council	\$500,001 and over	Request for Tender / Proposal

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SCHEDULE B – EXCEPTIONS TO THE PURCHASING POLICY

The purchasing processes described in the policy and these procedures do not apply to the following expenditures:

1. **Training and Education**
 - a. Conferences, conventions, courses and seminars
 - b. Magazines, books, periodicals
 - c. Memberships
2. **Refundable Staff Expenses**
 - a. Meal allowances
 - b. Travel and entertainment
 - c. Miscellaneous – non-travel
3. **General Expenses**
 - a. Reimbursed staff expenses
 - b. Payroll remittances
 - c. Medical, Doctor's expenses
 - d. Licences (vehicles, etc.)
 - e. Grants to agencies
 - f. Damage claims
 - g. Petty cash replenishments
 - h. Tax remittances, GST, PST, realty taxes
 - i. Financial agreements (i.e. cost sharing with other municipal organizations)
 - j. Tipping fees at municipalities
 - k. Catering (under \$50,000)
 - l. Food supplies from grocery stores (under \$50,000)
 - m. Miscellaneous purchases at retail stores (under \$50,000)
4. **Professional and Special Services**
 - a. Police services contracts
 - b. Approvals and permits
 - c. Medical, laboratory and pharmacy services
 - d. Legal fees
 - e. Witness fees
 - f. Honorariums
 - g. Purchase of investments in accordance with the County's Investment Policy
 - h. Insurance programme, unless markets dictate otherwise
5. **Utilities**
 - a. Water and sewer
 - b. Hydro
 - c. Gas
 - d. Telecommunications services
 - e. Postage
6. **Real Property Interests**
 - a. All real estate transactions

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SCHEDULE C – BID IRREGULARITIES

CONDITION	RESPONSE
Late Bid	Automatic rejection
Failure to attend mandatory site visit	Automatic rejection
Proponent not previously qualified under related prequalification process where applicable	Automatic rejection
Bid Bond - not submitted or not in the acceptable form	Automatic rejection
Amount of Bid Bond - incorrect and/or insufficient	48 Hours to rectify
Agreement to Bond – not submitted or not in the acceptable form	Automatic rejection
Agreement to Bond - amount is incorrect and/or insufficient	48 Hours to rectify
Partial Submissions - Part Bids - all items not bid	Acceptable only if bid document allows for partial items to be bid on, otherwise automatic rejection.
Qualified Bids - Bids qualified or restricted by an attached statement.	Automatic rejection unless, in the opinion of Manager, the qualification or restriction is trivial or not significant.
Bids Containing Minor Clerical Errors	Manager of Purchasing and Department Heads shall have authority to waive irregularities, which they jointly consider to be minor.
Mistakes in Tendering - on the application of the tenderer and the demonstration of an error in the bid or the tenderer's calculation sheets	Following consultation with the bidder, where applicable and requested, the Department Head and the Manager of Purchasing may allow the bid to be withdrawn and the bid deposit returned.
Other Minor Irregularities	Manager of Purchasing and Department Heads shall have authority to waive irregularities, which they jointly consider to be minor.
Any Irregularity	Despite the provisions herein contained, Council may waive any irregularity where it considers it to be in the best interest of the County of Wellington.

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SCHEDULE D – EMPLOYEE CREDIT CARD AGREEMENT

The issuance of a County issued corporate credit card represents the County's trust in you as an employee. You are empowered as a responsible agent to safeguard the County's assets. Your signature below is verification that you have read the County's Corporate Credit Card Policy and are familiar with the provisions of the County's Procurement By-Law and further that you agree to comply with it as well as the following responsibilities:

1. I understand that the card is for County approved purchases only, and I agree not to charge personal purchases. Cash advances are not permitted.
2. Improper use of this card can be considered misappropriation of County funds. This shall be immediate grounds for the revocation of the corporate credit card assigned to me and may result in disciplinary action, up to and including termination of employment.
3. If the card is lost or stolen, I will immediately notify the Royal Bank of Canada by telephone (1-800-769-2512). I will also immediately notify the Manager, Purchasing and Risk Management Services or County Treasurer.
4. I agree to return the card to the Manager, Purchasing and Risk Management Services immediately upon an extended absence, disability, retirement, change of position, or termination of employment from the County of Wellington.
5. The card is issued in my name. I am considered responsible for any and all charges against the card.
6. All charges will be billed directly to and paid directly by the County. The bank cannot accept any monies from me directly; therefore any personal charges billed to the County could be considered misappropriation of County funds.
7. As the card is County property, I understand that I will be required to comply with internal control procedures designed to protect County assets. This may include being asked to produce the card to validate its existence and account number. I will be asked to produce receipts and statements to audit its use.
8. I will receive a monthly credit card statement which will report all activity during the statement period. I will verify the purchases, attach receipts and forward to my supervisor or Department Head. The monthly reconciliation form with signature (electronic submission) is due to the Treasury Department no later than 7 days after receipt. Since I am responsible for all charges (but not payment) on the card, I will resolve any discrepancies by either contacting the supplier or the bank.

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9. I will retain all credit card receipts at my workplace. The receipts, credit card statements and reconciliation forms will be retained in accordance with the County records retention by-law and may be subject to audit. I will provide any of this information to the Treasury Department immediately upon request.

10. I understand that the County credit card is not necessarily provided to all employees. Assignment is based on my need to purchase materials/services for County business. My card may be revoked based on change of assignment or location. I understand that the card is not an entitlement nor reflective of title or position.

I have received a corporate VISA card issued by the Corporation of the County of Wellington with card number XXXX XXXX XXXX XXXX.

	Authorization Signatures	Print Name	Date
Cardholder Name			
Department Head			
County Treasurer			