

# LONDON PUBLIC LIBRARY POLICY

Title of Policy: Procurement of Goods and Services

Policy Type: Board Operational Linkage

Policy No.: F-AM-02

Effective Date: June 17, 2021

Review: October 2023

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## **1.0 Procurement Goals and Objectives**

To obtain the right goods and/or services when needed while achieving best value through a transparent, fair and competitive process with a high focus on Customer Service.

- 1.1 This Policy outlines the processes to be followed in order to obtain the best value when purchasing goods, or contracting services for the London Public Library (herein after known as 'Library').
- 1.2 The guiding principle is that procurement decisions will be made using a competitive process that is open, transparent and fair.
- 1.3 The Library encourages innovation and the use of technology which meets Library specifications and industry standards in order to ensure the utilization of the most efficient and effective procurement processes and practices.
- 1.4 The Library will consider the total costs, including, but not limited to, acquisition, operating, training, maintenance, quality, warranty, payment terms, disposal value and disposal costs in evaluating competitive bids from responsive and responsible bidders. Where costs are submitted for more than one year, the net present value of the annual costs will be used to evaluate the costs at a discount value concurred by the Director, Financial Services.

The purchasing function fully embraces the philosophy of continuous improvement and will continue to be a leader in advanced public procurement solutions that are quality focused and consider the 'Total Cost of Ownership' where possible.

The Library encourages its supply chain partners to have similar quality considerations with their procurement of goods and services.

## **1.5 Sustainable Purchasing**

*Sustainable Purchasing* is a framework for procurement decision-making that will contribute to the Library's procurement objective to achieve best value for the Library by considering the full life cycle of products and their complete economic, environmental and social costs and benefits.

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The Library recognizes that through its procurement function it has the power to bring about environmental and social improvements both locally and globally while maximizing economic benefits. The Library is committed to maximizing sustainability benefits by engaging with the public marketplace and increasing the efficiency of procurement procedures and practice.

## **2.0 General Provisions**

- 2.1 Unless otherwise provided in accordance with this Policy, the Director, Financial Services and the authorized employees of Financial Services shall act for the Library, for the purchase and disposal of all goods and/or services and shall be responsible for providing necessary advice and services required for such purchases and/or disposals in accordance with the method of purchase authorized by this Policy.
- 2.2 No purchase of goods and/or services shall be authorized unless it is in compliance with this Policy. Goods and/or services that are obtained without following the provisions of this Policy will not be accepted, and any invoices received may not be processed for payment.
- 2.3 Unless otherwise provided in accordance with this Policy, the purchase of all goods and/or services shall be authorized in accordance with the provisions of Schedule "A" to this Policy.
- 2.4 Requisitions or purchase orders shall not be arbitrarily structured to alter the relationship of the price to the preauthorized expenditure limit.
- 2.5 The procedures prescribed in this Policy shall be followed to make an award or to make a recommendation of an award to the Library Board.
- 2.6 Wherever possible, it should be the intent of the client department to procure goods and/or services of like nature as a combined effort in order to benefit from economies of scale.
- 2.7 During the public procurement process, internal Library bids will not be considered as the analysis of in-house versus out-source (procurement) will be made prior to any such process.

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2.8 Definitions specific to this Policy are documented in Section 3.

2.9 The Library recognizes that mistakes and misunderstandings may occur; bidders may feel aggrieved and may seek to dispute the recommendation of an award of a contract. To maintain the integrity of the process, bidders who believe they have been treated unfairly can make this known by contacting the Director, Financial Services prior to the award of the contract. The bidder must file the formal dispute for an appeal in writing within two (2) Library business days of notification to the bidder by the Library that their bid is not acceptable and request a hearing meeting with the Director, Financial Services or designate. This meeting must be held within seven (7) Library business days of notification. If the bidder disagrees with the decision of the hearing meeting the next step is to formally appeal to the CEO & Chief Librarian (“CEO”) in writing within seven (7) Library business days. If the bidder disagrees with the decision of the CEO, the next step is to formally appeal in writing to the Library Board within seven (7) Library business days. The Library Board will hear the appeal and make a decision regarding the dispute. The Library Board’s decision is final.

The Library may, in its absolute sole discretion, reject any other bids submitted if the bidder, or any officer or Library staff has been engaged, either directly or indirectly through another corporation or personally, in/or during a dispute appeal of decision for the contract award action against the Library.

In determining whether or not to reject a bid under this clause, the Library will consider delays in awards of this or subsequent Library contracts and whether the dispute or appeal is likely to affect the bidder’s ability to work with the Library, its consultants and representatives, and whether the Library’s experience with the bidder indicates that the Library is likely to incur increased staff and legal costs in the administration of the contract if it is awarded to the bidder. The Library will also consider delays in awards of subsequent Library contracts with other contractors and the potential for those additional costs resulting in delays associated with this dispute/appeal.

There are strict time limits to file a dispute appeal. If the bidder is unsure of the deadline for appeal, they must seek direction from the Director, Financial Services. Failure to seek and follow these directions will result in the appeal being dismissed.

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- 2.10 This Policy will be reviewed and revised on a periodic basis. It is anticipated that reviews will be conducted every four (4) years or more frequently as required.
- 2.11 Goods and/or services NOT subject to this Policy are listed in Schedule “B”. The final determination of whether goods and/or services qualify for exemption under Schedule “B” shall be determined by the Director, Financial Services & CEO.
- 2.12 In accordance with Ontario Regulation 191/11 under the Accessibility for Ontarians with Disabilities Act, 2005 (AODA) as amended, the Library shall consider accessibility criteria and features when procuring or acquiring goods, services, or facilities, except where it is not practicable to do so. In which case, an explanation will be provided upon request.
- 2.13 No purchase of goods and services associated with computer software, hardware and/or telecommunications equipment will be authorized without the completion of appropriate Information Technology reviews as determined by Information Technology Services and the authorization, in writing, of the Director, Information Technology Services or designate.

### **3.0 Definitions**

In this Policy, unless a contrary intention appears,

**‘Acting’** means the formal delegation of approval authority by the person in the position of authority to the person acting in that role on a temporary basis.

**‘Addendum’ (Addenda)** means the form of a document used to officially change, add and/or delete information contained within a Competitive Bid. By issuing an Addendum, the Competitive Bid itself changes to incorporate the Addendum.

**‘Agreement’** means a formal written legal agreement or contract for the supply of goods, services, equipment or construction.

**‘Appointed officer’** means a member of the Library Board appointed by London City Council.

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**‘Award’** means a bid is formally accepted by the Library and has obtained the required approval as defined in Section 8.5 and Schedule “A”. An award may be executed by the issuance of a Purchase Order, Contract Record or formal Agreement.

**‘Best Value’** means the optimal balance of performance and cost determined in accordance with a pre-defined evaluation plan. Best value may include a time horizon that reflects the overall life cycle of a given asset.

**‘Bid’** means a response to a competitive bid issued by the Library.

**‘Bidder’** means a person, corporation or other entity that responds, or intends to respond to a competitive bid.

**‘Bid Deposit’** means currencies, certified cheques, bid bond issued by a surety company licensed to operate by the Government of Canada or the Province of Ontario or another form of negotiable instrument acceptable to the Library to compensate the Library if the successful bidder does not enter into a contract.

**‘Certificate of Clearance’** from the Workplace Safety and Insurance Board means a certificate issued by an authorized official of the Workplace Safety and Insurance Board certifying that the Board waives its rights under Subsection 141(10) of the Workplace Safety and Insurance Act, R.S.O. 1997, as amended.

**‘Competitive Bid’** means REOI, RFI, RFQUAL, RFP, IRFQ, RFQ or RFT as further defined in this section.

**‘Consultant’** means an external subject matter expert that provides advisory services and/or direction to Library Staff when the Library requires competency and/or capacity for a particular procurement that is not available in-house, excluding legal, employment and labour relations services.

**‘Contract’ or ‘Contracting’** means any formal or deliberate written agreement for the purchase of goods, services, equipment or construction including but not limited to Purchase Order and Agreement. Standard contracts are used for the acquisition of goods and/or services for a specific requirement. Corporate contracts are used for the acquisition of goods and/or services for a group of specific requirements.

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**‘Conflict of Interest’** means a situation in which the personal interests of Library staff come into conflict, or appear to come into conflict, with the interests of the Library.

**‘Contract Record’** means a document which summarizes the goods and/or services to be purchased.

**‘Delegate’** means a person who has been delegated approval authority by a position with authority under this Policy (Section 8.7).

**‘Delegation of Approval Authority’** means the formal delegation of authority to perform a specific task or approval by a person in a position with authority under this Policy (Section 8.7), resulting in a ‘delegate’.

**‘Dispute Committee’** means a committee comprised of the Director, Financial Services (or delegate), the CEO, and the Director/Manager of the client department involved.

**‘Elected Official’** means a member of London City Council.

**‘Emergency’** means 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.

**‘Employee - Employer Relationship’** means a worker agrees to work for the Library, on a full-time or part-time basis, for a specified or indeterminate period of time, in return for wages or a salary. The Library has the right to decide where, when and how the work is to be done.

**‘Executed Agreement’** means a formal agreement, either incorporated in the bid documents or prepared by the Library or its agents, to be executed by the successful bidder and the Library.

**‘Goods and/or Services’** means supplies, services, materials and equipment of every kind required to be used to carry out the operations of a service area.

**‘Informal Request for Quotation’ or ‘IRFQ’** means a request for prices on specific goods and/or services from selected suppliers which are submitted in writing, or as specified in the Informal Request for Quotation.

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**‘Insurance Documents’** means official original documents issued by an insurance company acceptable to the Library and, preferably, licensed to operate by the Government of Canada or the Province of Ontario certifying that the bidder is insured in accordance with the Library’s insurance requirements and completed on the Library standard insurance form (s); as contained in the bid document.

**‘Irregular Result’** is defined in Section 8.10.

**‘Irregularities Contained in Bids’** is defined in Schedule “C” and includes the appropriate response to those irregularities.

**‘Irrevocable Letter of Credit’** means an irrevocable letter on the financial institution’s standard form containing a request that the party to whom it is addressed pay the bearer or a person named therein money as a result of failure to perform or fulfill all the covenants, undertakings, terms, conditions and agreements contained in a contract.

**‘Letter of Agreement to Bond’** means a letter or other form issued by a surety company licensed to operate by the Government of Canada or the Province of Ontario advising that, if the bidder is successful the bonding agency will issue the required bonds.

**‘Library Materials’** means books, videos, magazines, audiobooks, digital content products and any other media purchased by the Library for use by the public.

**‘Obsolete’** means Library assets that are no longer current or have no functional use due to being replaced by newer assets and still may have some economic value.

**‘Pecuniary Interest’** means the opportunity, directly or indirectly, to profit or share in any profit derived from a competitive bid or agreement.

**‘Performance Bond’** means a bond issued by a surety company, executed in connection with a contract and which secures the performance and fulfillment of the undertakings, covenants, terms, conditions and agreements contained in the contracts. These may also be in the form of ‘renewable performance bonds’.

**‘Proponent’** means the respondent to a Request for Proposal (RFP).

**‘Purchase Order’** means the standard Library procurement document issued by Purchasing and Supply to formalize a purchasing transaction with a supplier.



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**‘Purchase Requisition’** means a duly authorized written or electronically produced request in an approved format to obtain goods or services.

**‘Request for Expression of Interest’ or ‘REOI’** means a focused market research tool used to determine supplier interest in a proposed procurement. It may be issued simultaneously with a Request for Qualifications (RFQUAL) when the proposed procurement is well defined and the purchaser has clear expectations for the procurement.

**‘Request for Information’ or ‘RFI’** means a general market research tool to determine which products and services are available, scope out business requirements, and/or estimate project costs which may be used prior to issuing another type of competitive bid.

**‘Request for Proposal’ or ‘RFP’** means a process where a need is identified, but the method by which it will be achieved is not prescribed at the outset. This process allows prospective suppliers to propose solutions or methods to arrive at the desired result.

**‘Request for Qualifications’ or ‘RFQUAL’** means a request for list of qualified suppliers and firms who have an interest in providing services to the Library, typically through a two-stage process.

**‘Request for Quotation’ or ‘RFQ’** means a request for prices on specific goods and/or services as specified in the Request for Quotation.

**‘Request for Tender’ or ‘RFT’** means a request for sealed bids which contain an offer in writing to execute some specified services, or to supply certain specific goods, at a certain price, in response to a publicly advertised request for bids.

**‘Scrap’** means Library assets that no longer have the ability to function for their original design in their current state and have minimal economic value other than primarily for recycling value.

**‘Sealed Bid’** means a formal sealed response received as a part of a competitive bid.

**‘Single Source’** means that there is more than one source of supply in the open market, but only one source is recommended due to predetermined and approved specifications. Further qualifications appear in the definition in Section 14.4.

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**‘Sole Source’** means that the goods and/or services are available from only one supplier. Further qualifications appear in the definition in Section 14.3.

**‘Substantive Objection’** means an unsuccessful bidder requests moving to the third stage of dispute resolution as prescribed in Section 2.9.

**‘Supplier’** means any individual or organization providing goods or services to the Library including but not limited to contractors, consultants, suppliers, service organizations etc.

**‘Surplus’** means Library assets that exceed the portion that is utilized by the Library, may be current, may have functional use and still have some economic value.

**‘Tender’** means a sealed bid which contains an offer in writing to execute some specified services, or to supply certain specified goods, at a certain price, in response to a publicly advertised request for bids.

**‘Triggering Event’** means an occurrence resulting from an unforeseen action or consequence of an unforeseen event, which must be remedied on a time sensitive basis to avoid a material financial risk to the Library or serious or prolonged risk to persons or property.

**‘Value Analysis’** means a life cycle costing approach to valuing a given alternative, which calculates the long term expected impacts of implementing the particular option.

### 4.0 **Responsibilities**

#### 4.1. **General Responsibilities**

- a. All Library staff delegated with approval authority (Section 8.7) shall follow the guidelines as set out in Schedule “D” ‘A Statement of Ethics for Public Purchasers’ established by the Ontario Public Buyers’ Association, and in Section 5 below.
- b. Procurement activities shall be subject to all applicable Library policies and by-laws, any specific provisions of the Municipal Act, Public Libraries Act, and all other applicable Federal and Provincial legislation.

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- c. Failure to adhere to the requirements outlined in this Policy may lead to disciplinary action up to and including termination of employment.
- d. No provision of this Policy precludes a Library staff member or the Director, Financial Services with the concurrence of the CEO from recommending an award to the Library Board where:
  - i. in the opinion of a Library Director or Manager, it is in the best interest of the Library to do so; or;
  - ii. it is a matter of procurement procedure and, in the opinion of the Director, Financial Services, it is in the best interest of the Library to do so.

### 4.2. CEO

The CEO has the authority to instruct the Library staff not to award contracts and to submit recommendations to the Library Board for approval and may provide additional restrictions concerning procurement where such action is considered necessary and in the best interest of the Library.

### 4.3. Library Directors and Managers

- a. Have responsibility for all procurement activities within their service areas and are accountable for achieving best value while following the Procurement of Goods and Services Policy;
- b. Have the authority to delegate approval authority to staff at the appropriate levels within their service areas (Section 8.7);
- c. The Library Directors and Managers have the authority to award contracts in the circumstances specified in this Policy provided that the delegated power is exercised within the limits prescribed in Schedule "A" and the requirements of this Policy are met; and
- d. When the Library Director or Manager is of the opinion that a Triggering Event has occurred, the Library Director or Manager may authorize the purchase of such goods and/or services as is considered necessary to remedy the situation

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without regard to the requirement for a competitive bid and may approve the necessary contract amendment. The relevant details surrounding the Triggering Event shall be included in a report and submitted to the Library Board as soon as possible.

#### 4.4. Director, Financial Services

The Director, Financial Services is responsible for:

- a. Overseeing the purchasing and supply function;
- b. Maintaining ownership over the Procurement of Goods and Services Policy; and
- c. Approval authority as outlined in Schedule “A” and Section 8.5.

#### 4.5. Financial Services Staff

Financial Services staff are responsible for:

- a. The integrity of the procurement process with the exception of those items listed in Schedule “B”;
- b. Providing professional procurement advice and service to Library staff.
- c. Awards within the authority of the Library Director or Manager (or delegate) for which the Director, Financial Services may award a contract on behalf of these positions provided that Financial Services is in receipt of a funded requisition and the requirements of this Policy are met;
- d. Monitoring compliance with this Policy;
- e. Notifying the Director, Financial Services, in advance if possible, of non-compliance with this Policy;
- f. Rejecting any Purchase Requisitions for services where the services could result in the establishment of an employee – employer relationship; and

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- g. Creating and revising administrative procedures and directions respecting:
  - i. the preparation and development of specifications;
  - ii. the requirements and form of bid deposits;
  - iii. other securities and documentation required or advisable for sealed bids;
  - iv. procedures for the opening, evaluation and recommendation of bid documents; and
  - v. such other matters of an ancillary or incidental nature to more fully carry out the intent and purpose of this Policy.

#### 4.6. The Library Board Approval

Despite any other provision of this Policy, the following contracts are subject to the Library Board approval:

- a. Where a recommendation is being made to amend the total value of a contract in excess of the original bid (plus contingency), and;
  - i. it is an amount greater than \$50,000; or
  - ii. in the opinion of the Director, Financial Services, funds are not available for the additional expenditure.
- b. Where a Substantive Objection (see definition in Section 3), emanating from the competitive bid has been filed with the Director, Financial Services prior to award of the contract;
- c. Where there is an irregular result (see Section 8.10); and
- d. Where authority to approve has not been expressly delegated.

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### **5.0 Conflict of Interest**

- 5.1 No elected official, appointed officer or employee of the Library shall have any pecuniary or controlling interest either direct or indirect in any competitive bid or contract for the supply of goods or services to the Library, unless such pecuniary interest is disclosed by the contractor, bidder or person submitting a quotation, as the case may be, or unless such pecuniary interest would be exempt under the Municipal Conflict of Interest Act and the Library Code of Conduct.
- 5.2 Competitive bid documents shall include a section that requires and provides for the disclosure of any pecuniary interest prior to submission of the bid. Should a conflict of interest arise after the award of a contract, the conflict shall immediately be disclosed in writing to the Director, Financial Services. Further, all competitive bid documents and agreements shall provide that in the event that a contract is awarded to a person who has not, during the bidding or contracting process, disclosed the pecuniary interest of an elected official, appointed officer or employee of the Library in the contract, the contract may be cancelled at any time by the Library in its entire discretion without damages or penalty.
- 5.3 In this section, 'controlling interest' means the interest that a person has in a corporation when the person beneficially owns, directly or indirectly, or exercises control or direction over, equity shares of the corporation carrying more than ten percent (10%) of the voting rights attached to all equity shares of the corporation for the time being outstanding;
- 5.4 For the purposes of this section, a person has an indirect pecuniary interest in any competitive bid or agreement entered into by a corporation, if:
- a. The person or his or her nominee is a shareholder in or a Library staff member or senior officer of a corporation that does not offer in securities to the public.
  - b. Has a controlling interest in or is a Library staff member or senior officer of a corporation that offers securities to the public.
- 5.5 For the purposes of this section, an elected official, appointed officer or employee of the Library has an indirect pecuniary interest if the person is a partner of a

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person or is in the employment of a person or body that has entered into a tender, proposal, quotation or contract with the Library.

- 5.6 For the purposes of this section, the pecuniary interest in a Tender, Proposal, Quotation or contract of a parent or spouse or any child of an elected official, appointed officer or employee shall, if known to the person, be deemed to be also the pecuniary interest of the elected official, appointed officer or employee as the case may be.

### **6.0 Prohibitions**

#### **6.1 Division of Contracts**

No employee of the Library shall divide a purchase or a contract to avoid the requirements of the Tender, Proposal or Quotation procedures. Nor shall purchases be split in order to circumvent prescribed spending authority dollar limits as outlined in this Policy

#### **6.2 Interference in the Procurement Process**

- a. Elected officials, appointed officers and employees shall not knowingly cause or permit anything to be done or communicated to anyone in a manner which is likely to cause any potential supplier to have an unfair advantage or disadvantage in obtaining a contract for the supply of goods and/or services to the Library. This also includes a contract with any other municipality, local board or public body involved in the purchase of goods and/or services either jointly or in cooperation with the Library.
- b. Elected officials and appointed officers shall separate themselves from the procurement process and have no involvement whatsoever in specific procurements. Elected officials and appointed officers should not see any documents or receive any information related to a particular procurement while the procurement process is ongoing. Elected officials and appointed officers who receive inquiries from suppliers related to any specific procurement shall immediately direct those inquiries to the Director, Financial Services.

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- c. The only exception to the above relates to selection of external auditors or an integrity commissioner whereby elected officials and/or appointed officers are specifically part of the evaluation team.

### 6.3 Official Point of Purchasing Contract and Lobbying Prohibition

- a. The Library is committed to the highest standards of integrity with respect to the purchase of goods and/or services and managing the processes by which goods and/or services are acquired. The official point of purchasing contact shall be a member of the Financial Services Team. Should it be necessary or desirable to have a contact person to respond to technical issues that person shall be named in the competitive bid documents. All communications will be made by these individuals and during the procurement process, no bidder or person acting on behalf of the bidder or group of bidders shall contact any elected official, consultant or any employee of the Library to attempt to seek information or to influence the award of the contract. Any activity designed to influence the decision process, including, but not limited to, contacting any elected official, consultant or employee of the Library 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.

Notwithstanding the foregoing, this prohibition does not apply to meetings specifically scheduled by the Library Financial Services group for presentations or negotiations. Any bidder found to be in breach of this Policy shall be subject to immediate disqualification from the procurement process and may be prohibited from future opportunities at the discretion of Library Board.

- b. In addition, no bidder who has been awarded the contract shall engage in any contact or activities in an attempt to influence any elected official or any employee of the Library with respect to the purchase of additional enhancements, options, or modules. However, a contractor may communicate with the appropriate member of the Financial Services Team, the Director, Financial Services for purposes of administration of the contract during the term of the contract.
- c. The determination of what constitutes influential activity is in the sole discretion of the Director, Financial Services, acting reasonably, and not subject to appeal.



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- d. Contract award decisions shall be based on clear, transparent and objective criteria that is applied free from political considerations or political interference.

### **7.0 Procurement Documentation**

- 7.1 In order to maintain consistency, Financial Services shall provide guidelines to the CEO and/or department Director or Manager on procurement policies and procedures and on the structure, format and general content of procurement documentation.
- 7.2 Financial Services shall review proposed procurement documentation to ensure clarity, reasonableness and quality and shall advise the CEO and/or department Director or Manager of suggested improvements.
- 7.3 Procurement documentation shall avoid use of specific products or brand names.
- 7.4 Notwithstanding Section 7.3, a department Director or Manager (or delegate) may specify a specific product, brand name or approved equal for essential functionality purposes (with consideration for operating and maintenance costs) to avoid unacceptable risk or for some other valid purpose. In such instances, the department Director or Manager (or delegate) and Financial Services shall manage the procurement to achieve a competitive situation whenever possible.
- 7.5 The use of standards in procurement documentation that have been certified, evaluated, qualified, registered or verified by independent nationally recognized and industry-supported organizations such as, but not limited to, the Standards Council of Canada, shall be preferred.
- 7.6 Department Director or Manager (or delegate) shall:
  - a. Give consideration to Value Analysis and Sustainable Purchasing;
  - b. Ensure that adequate Value Analysis comparisons are conducted to provide assurance that the specification(s) will provide best value;
  - c. Forward the Value Analysis to Financial Services for documentation in the procurement file; and

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d. Ensure specification(s) are set to allow for an open competitive process.

7.7 All substantive changes to standard clauses in competitive bid documents and standard agreements shall be reviewed and approved by the CEO.

7.8 Unless otherwise noted in this Policy, the Director, Financial Services (or delegate) in conjunction with the department Director or Manager (or delegate) shall issue bid documents for goods and/or services. Financial Services shall give notice of the issuance of a competitive bid electronically via the internet as well as any other means as appropriate.

7.9 An external Auditor or delegate shall review compliance with the Procurement or Goods and Services Policy, and report to the Library Board as set out in their audit plan.

### **8.0 Approval Authority and Reporting Requirements**

8.1 Any person delegated approval authority pursuant to this Policy shall ensure that an approved budget, as described in Section 17 of this Policy, exists for the proposed procurement and that such procurement does not violate any Library policies or any applicable law. Any such procurement shall also satisfy any applicable audit and documentation requirements of the Library.

8.2 All applicable taxes, duties and shipping shall be excluded in determining the procurement limit of authorized delegates and the type of procurement process to be followed.

8.3 The dollar values identified in this section represent the annual estimated procurement value for a good and/or service to be procured. The annual estimated procurement value is the cumulative value spent over a twelve (12) month period for a particular good and/or service.

8.4 In the case of multi-year supply and/or service contracts, the preauthorized expenditure limit shall refer to the estimated annual expenditure under the contract.

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8.5 The following body and persons shall have the respective approval authority as set out below (see summary in Schedule "A"). All dollar values are based on annual amounts and must be within pre-approved budgeted limits.

- a. **The Library Board** must approve the following awards:
  - i. RFP greater than \$100,001;
  - ii. RFT greater than \$100,001;
  - iii. RFQ, RFP and RFT with an irregular result greater than \$50,000 (section 8.10);
  - iv. Sole Source or Single Source greater than \$50,001; and
  - v. Contract extensions greater than \$50,000 (section 20.2).
- b. **Department Director or Manager or any employee exercising delegated authority approval and either the CEO or Director, Financial Services** are authorized to approve the following awards:
  - i. RFQ (formal quotations) greater than \$50,001 but not exceeding \$100,001; and
  - ii. RFP up to \$100,000;
  - iii. RFT up to \$100,000; and
  - iv. Sole Source or Single Source up to \$50,000.
- c. **Library staff or any employee exercising delegated authority approval** are authorized to approve the following awards;
  - i. Informal quotations greater than \$10,001 but not exceeding \$50,000.

8.6 Section 8.5 approvals may be overridden in the case of an 'emergency' as defined in Section 14.2 of this Policy.

### 8.7 Delegation of Approval Authority

- a. The method for the department Director or Manager delegating approval authority is as follows:

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- i. The department Director or Manager shall prepare a 'delegation of approval authority list' within their respective departments;
  - ii. The list will provide evidence that the staff listed have been delegated approval authority by the department Director or Manager;
  - iii. The list at minimum, shall include the staff person's name, title and approval limit. The list will also include any acting roles;
  - iv. The list shall be updated immediately upon any change in staff or position;
  - v. A copy of the list shall be sent to the Director, Financial Services each time there is a revision;
  - vi. The Director, Financial Services will ensure the delegation of approval authority lists are available to all Financial Services staff; and
  - vii. Financial Services staff will review the list prior to completing tasks that require approval.
- b. The Director, Financial Services shall develop a 'delegation of approval authority list' for the approvals and tasks they are responsible for under this Policy.
- 8.8 Only the department Director or Manager may further delegate approval authority to their staff at the procurement values deemed appropriate. Staff that have been delegated approval authority from the department Director or Manager to approve procurements shall have no authority to delegate this approval authority to any other person.
- 8.9 The Library Board may explicitly delegate further approval authority as it considers necessary from time to time, including but not limited to, any extended time periods during which Library Board does not meet.

### 8.10 Irregular Result

The client department, in conjunction with Financial Services, shall submit a report to the Library Board and receive their approval for the award of a competitive bid greater than \$50,000 if any of the following conditions apply (if the award is less than \$50,000,

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the department Director or Manager with the concurrence of the Director, Financial Services or delegate may approve the award):

- a. The value of the lowest compliant bid is in excess of the Library Board approved budget including any contingency allowance;
- b. The specifications of a competitive bid cannot be met by two (2) or more suppliers;
- c. The award is not being made to a compliant bidder(s) offering the Best Value to the Library;
- d. Where a Substantive Objection has been filed with the Director, Financial Services prior to award of a competitive bid; or
- e. Where in the opinion of the Director, Financial Services, the client department award recommendation is not in the best interest of the Library.

### 8.11 Reporting to the Library Board

- a. The department Director or Manager shall submit an informational report on an annual basis, no later than September 1 to the Director, Financial Services containing the details of the contract awards made under Section 8.5.c for their respective department.
- b. The Director, Financial Services shall coordinate data collection and prepare an annual report for submission to Library Board including the awards made under section 8.5 b and 8.5 c, no later than October 31. The report will only include awards that were not processed through Financial Services, unless otherwise directed by the Library Board. Financial Services shall certify that the awards are in compliance with this Policy and where non-conformances are identified, corrective action will be taken.
- c. Where a supplier has invoiced the Library a cumulative total value of \$50,000 or more in a calendar year, total payments relative to the supplier shall be included in an annual information report to the Library Board. The Director, Financial Services or Designate shall prepare a report of all Administratively Awarded Tenders for the reporting year.

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### **9.0 Low Dollar Value Procurements (up to \$10,000) – as per Schedule “A”**

- 9.1 Procurements up to \$10,000 shall be considered low dollar value procurements
- 9.2 All low dollar value procurements shall utilize applicable Library contracts and shall otherwise be in accordance with this Policy.
- 9.3 A Purchasing Order may be used for low dollar value procurements provided the user complies with Section 18 of this Policy.
- 9.4 The department Director or Manager may delegate approval authority to their staff for low dollar value procurements and it is their responsibility to ensure that this Policy is adhered to.
- 9.5 All information on low dollar value procurements must be documented and maintained on file.
- 9.6 Low dollar value procurements do not require an RFQ, RFP or RFT. Obtaining competitive quotes is considered a good business practice and should be obtained. An authorized Purchase Order submitted to Financial Services is the preferred method.

### **10.0 Informal Request For Quotation (IRFQ) (Greater than \$10,001 to \$50,000) – as per Schedule “A”**

- 10.1 Procurements greater than \$10,001 but not exceeding \$50,000 are eligible to be completed through an Informal Quotation process. The department Director or Manager or any employee exercising delegated authority is authorized to award the contract.
- 10.2 All Informal Quotations shall utilize standard applicable department contracts and/or corporate contracts and shall otherwise be in accordance with the Procurement of Goods and Services Policy.
- 10.3 For procurements where there are no applicable department contracts or corporate contracts, informal quotations shall be obtained by the client department in the following manner:

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- a. Three (3) written (use of the online bidding system is encouraged) bids obtained from three (3) separate potential suppliers;
  - b. A 'No Bid' response shall not be considered as a valid bid;
  - c. All suppliers shall receive the same informal quotation written information;
  - d. The informal quotation shall be awarded to the lowest compliant bid; and
  - e. Documentation on all bids, including but not limited to the prospective bidders list, bid document, bid responses and decision making rationale shall be retained in the client department files in accordance with Library approved policies for records retention, or a minimum of two (2) years.
- 10.4 Staff is encouraged to seek three (3) bids to ensure a more competitive process. If staff has exhausted all efforts to obtain three (3) bids and can support this with documented evidence under Section 10.3 e., a minimum of two (2) written bids is acceptable.
- 10.5 Financial Services staff shall assist as requested by the client department, or when deemed necessary, with the Informal Quotation process. Financial Services may also conduct reviews to ensure the requirements of this section and all other applicable sections of this Policy have been met.
- 10.6 When a client department requires an RFP in lieu of an Informal Quotation, the RFP shall be issued by Financial Services in the same manner as for RFP's in Section 12 and subject to the approval authority in Section 8.5.b.
- 10.7 Since the informal quotation process does not necessarily go through Financial Services, the Library's standard insurance form must be completed and forwarded by the client department to Financial Services for review. WSIB Certificates of Clearance must be submitted to Financial Services at the commencement of the project and periodically as the work is completed and before final payment is released.
- 10.8 An authorized Purchase Order is to be sent to Financial Services and include copies of the bids received. A Purchase Order, Contract Record or Agreement will be issued to formalize the contract with selected supplier.

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### **11.0 Request For Quotation (RFQ) (\$50,001 to \$100,000) – As Per Schedule “A”**

- 11.1 RFQ procedures shall be used where:
- a. The item is greater than \$50,001 but not exceeding \$100,000;
  - b. The requirement can be fully defined; and
  - c. Best value for the Library will be achieved by an award selection made on the basis of the total lifecycle cost that meets all terms, conditions and specifications.
- 11.2 The department Director or Manager or any employee exercising delegated authority approval and the CEO or Director, Financial Services must jointly approve this award.
- 11.3 The department Director or Manager or any employee exercising delegated authority approval shall provide to Financial Services a purchase request in writing containing the relevant specifications, budget authorization, approval authority and terms and conditions for the purchase of goods, services or construction.
- 11.4 The client department shall be responsible to review the competitive bid and verify that all terms, conditions and specifications of the bid are met.
- 11.5 Financial Services shall forward to the department Director or Manager (or delegate) a summary of the bids and recommend the award of contract to the lowest compliant bid subject to review by the department Director or Manager (or delegate) regarding specifications and contractor performance.
- 11.6 When a client department requires the issuance of an RFP in lieu of a RFQ, the RFP shall be issued by Financial Services as described in Section 12 of this Policy and subject to the approval authority in Section 8.5.b.
- 11.7 The Library reserves the right in its absolute sole discretion to accept or reject any submission.



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### **12.0 Request for Proposal (RFP) – As Per Schedule “A”**

12.1 The RFP procedure shall be used where:

- a. The requirement is best described in a general performance specification;
- b. Innovative solutions are sought; and
- c. To achieve best value, the award selection will be made on an evaluated point per item or other method involving a combination of mandatory and desirable requirements.

12.2 Awards under the RFP process require the following approval:

- a. The department CEO and the Director, Financial Services must jointly approve an RFP award for purchases up to \$100,000;
- b. The Library Board must approve an RFP award for purchases greater than \$100,001;
- c. The Library Board must approve an RFP award with an irregular result (see definition in Section 8.10).

12.3 The RFP process is a competitive method of procurement that may or may not include supplier pre-qualification.

12.4 An RFI, REOI or RFQUAL may be issued in advance of a RFP to assist in the development of a more definitive set of terms and conditions, scope of work/service and the selection of qualified suppliers.

12.5 An RFI, REOI and RFQUAL shall follow the same award approvals as an RFP, if applicable.

12.6 Financial Services shall maintain a list of suggested evaluation criteria for assistance in formulating an evaluation method for use in an RFP. This may include but not be limited to factors such as qualifications and experience, strategy, approach, methodology, scheduling and past performance, facilities, equipment, pricing, life cycle costing, standardization of product, and aspects that would support environmental procurement. Also see sections 1.5 and 1.6.

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- 12.7 Department Director or Manager or any employee exercising delegated authority approval shall identify appropriate evaluation criteria from the list maintained by Financial Services for use in a RFP but are not limited to criteria from the list. Cost will always be included as a factor, as best value includes but is not limited to quality and cost.
- 12.8 Department Director or Manager or any employee exercising delegated authority approval shall provide Financial Services with a written purchase request in a form acceptable to the Director, Financial Services containing the budget authorization, approval authority, terms of reference and evaluation criteria to be applied in evaluating the proposals submitted.
- 12.9 A representative from Financial Services will be the lead in the RFP process. A selection committee will be formed with a minimum of three evaluators and be comprised of at least one representative from the client department and one representative from Financial Services. The evaluators shall review all compliant proposals against the established criteria, reach consensus on the final rating results, and ensure that the final rating results with supporting documents, are kept in the procurement file. The Financial Services representative may or may not participate in the scoring of the proposals.
- 12.10 During the proposal process all communication with proponents shall be through Financial Services.
- 12.11 Financial Services shall forward to the department Director or Manager (or delegate) an evaluation summary of the procurement, as well as the evaluation committee's recommendation for award of contract to the proponent meeting all mandatory requirements and providing best value as stipulated in the RFP. The representative from Financial Services is responsible for documenting the determination of best value. The criteria and analysis to determine best value will be included (if applicable) in the report to the Library Board.
- 12.12 With respect to all reports initiated for RFP, a report on the sources of financing, and other financial commentary as considered appropriate, shall be prepared.
- 12.13 Reporting will not include financial summaries of bids as this information will remain confidential. Any disclosure of information shall be made by the

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appropriate officer in accordance with the provisions of the Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, as amended.

- 12.14 Unsuccessful proponents may, upon their request, attend a debriefing session with a Financial Services representative to review their competitive bid. Any discussions relating to any submissions other than that of the proponent present will be strictly prohibited. This debriefing session is intended to provide general feedback regarding the proponent's rating on various criteria in order to allow the proponent to understand where future improvements might be available.
- 12.15 The Library reserves the right in its absolute sole discretion to accept or reject any submission.

### **13.0 Request for Tender (RFT) (Greater than \$50,001) – As Per Schedule “A”**

- 13.1 RFT procedures shall be used where:
- The total cost is expected to be greater than \$50,001;
  - The requirement can be fully defined; and
  - Best value for the Library can be achieved by an award selection made on the basis of the lowest bid that meets all terms, conditions and specifications.
- 13.2 Awards under the RFT process require the following approval:
- The Library Board must approve award of tenders greater than \$100,001;
  - The Library Board must approve award of contracts when a tender result is irregular as per Section 8.10 of this Policy.
  - Results less than \$100,000 that do NOT have an Irregular Result may be awarded administratively.
- 13.3 The department Director or Manager (or delegate) shall provide to Financial Services a purchase request in writing containing the relevant specifications, budget authorization, approval authority and terms and conditions for the purchase of goods, services or construction. Specifications may include certain

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brands of product in order to facilitate standardization of the Library's inventory as per Section 7.4 of this Policy.

- 13.4 The Director, Financial Services shall be responsible for arranging for the public disclosure of bid submissions at the time and date specified by the bid call.
- 13.5 Financial Services shall forward to the department Director or Manager (or delegate) a summary of the bids and recommend award of the contract to the lowest compliant bidder.
- 13.6 With respect to all reports initiated for tenders, there shall be a recommendation report to the Library Board containing the sources of financing, and other financial commentary as considered appropriate.
- 13.7 The Library reserves the right in its absolute sole discretion to accept or reject any submission.

### **14.0 Non-Competitive Purchases (Emergency, Sole Source, Single Source)**

- 14.1 The requirement for a competitive bid process for the selection of a supplier for goods, services and construction (except for Emergencies – see 14.2) may be waived under authority of the CEO and replaced with direct negotiations by the department Director or Manager (or delegate) and the Director, Financial Services (or delegate) under the following circumstances.
  - a. The procurement qualifies as 'Sole Source' as defined in Section 14.3;
  - b. The procurement qualifies as a 'Single Source' as defined in Section 14.4.

### **14.2 Procurement in Emergencies**

For the purposes of this section, "Emergency" means an event or occurrence that the CEO or department Director or Manager deem as an immediate threat to:

- Public health;
- The maintenance of essential Library services; or

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- The welfare and protection of persons, property, or the environment; and the event or occurrence necessitates the immediate need for goods or services to mitigate the emergency and time does not permit for a competitive procurement process.

In the event of an Emergency the CEO or Director, Financial Services, or department Director or Manager and their respective delegates, are authorized to enter into a purchase agreement without the requirement for a formal competitive process.

A list of pre-qualified suppliers will be used to select the suppliers, whenever possible.

Where the procurement cost to mitigate the Emergency is anticipated to exceed \$50,000, there must be a notification sent (e-mail contact is acceptable) to the Director, Financial Services or delegate. The steps taken to mitigate the Emergency must always be clearly documented regardless of amount and where the aggregate costs for a single supplier are in excess of \$50,000, the emergency procurement shall be reported by the CEO and Director, Financial Services to the Library Board (including the source of financing) at the next scheduled meeting following the event. The department Director or Manager responsible for the area leading the emergency procurement must forward the appropriate purchase requisition(s) to the Director, Financial Services within five (5) business days after the mitigation activities associated with the emergency event have been terminated.

### 14.3 Sole Source

The procurement may be conducted using a Sole Source process if the goods and/or services are available from only one supplier by reason of:

- a. Statutory or market based monopoly;
- b. Competition is precluded due to the application of any Act or legislation or because of the existence of patent rights, copyrights, license, technical secrets or controls of raw material; or
- c. The complete item, service, or system is unique to one supplier and no alternative or substitute exists

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### 14.4 Single Source

Single Source means that there is more than one source of supply in the open market, but only one source is recommended due to predetermined and approved specifications.

The procurement may be conducted using a Single Source process if the goods and/or services are available from more than one source, but there are valid and sufficient reasons for selecting one supplier in particular, as follows:

- a. An attempt to acquire the required goods and/or services by soliciting competitive bids has been made in good faith, but has failed to identify more than one willing and compliant supplier;
- b. The confidential nature of the requirement is such that it would not be in the public interest to solicit competitive bids;
- c. Construction, renovations, repairs, maintenance etc. in respect of a building leased by the Library may only be done by the lessor of the building, in accordance with a lease agreement;
- d. There is a need for compatibility with goods and/or services previously acquired or the required goods and/or services will be additional to similar goods and/or services being supplied under an existing contract (i.e. contract extension or renewal);
- e. The required goods and/or services are to be supplied by a particular supplier(s) having special knowledge, skills, expertise or experience;
- f. The goods are purchased under circumstances which are exceptionally advantageous to the Library, such as in the case of a bankruptcy or receivership;
- g. It is advantageous to the Library to acquire the goods or services from a supplier pursuant to the procurement process conducted by another public body;
- h. It is advantageous to the Library to acquire the goods or services directly from another public body or public service body;

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- i. Another organization is funding or substantially funding the acquisition and has determined the supplier, and the terms and conditions of the commitment into which the Library will enter are acceptable to the Library;
- j. The acquisition is for a particular brand of goods or services that are intended solely for resale to the public and no other brand is desirable and the brand is not available from any other source; or
- k. Where due to abnormal market conditions, the goods, services or construction required are in short supply.

### 14.5 Sole Source and Single Source – Approval and Reporting

- a. Awards which qualify to be considered as a Single Source or Sole Source process require the following approval:
  - i. the CEO and Director, Financial Services, must jointly approve an award not exceeding \$50,000;
  - ii. the Library Board must approve an award greater than \$50,001, unless otherwise permitted by this Policy.
- b. For awards under Section 14.5.a.ii, the CEO and Director, Financial Services are responsible for submitting a report to the Library Board detailing the rationale supporting their decision.

### 15.0 Requirement for Approved Funds

- 15.1 The exercise of authority to award a contract is subject to the identification and availability of sufficient funds in appropriate accounts within the Library Board approved budget.
- 15.2 Where goods and/or services are routinely purchased or leased on a multi-year basis, the exercise of authority to award a contract is subject to:
  - a. The identification and availability of sufficient funds in appropriate accounts for the current year within the Library Board approved budget;

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- b. The requirement for the goods or services will continue to exist in subsequent years and, in the opinion of the Director, Financial Services, the required funding can reasonably be expected to be made available; and
- c. The contract containing a provision that the supply of goods or services in subsequent years is subject to the approval by the Library Board of the department estimates to meet the proposed expenditures.

15.3 Following the adoption of the capital budget by the Library Board, the Director, Financial Services is authorized to call tenders for construction projects and the acquisition of equipment.

### **16.0 Bid Administration**

#### 16.1 Submission of Bids

The Library uses an online bidding system.

#### 16.2 Bid Irregularities

Where a bid is received that includes irregularities, the Library will follow the protocol as appropriate for the particular irregularity. The protocol for bid irregularities and their associated responses are detailed in Schedule "C". Mandatory Requirements MUST be met or there will be an Automatic rejection.

#### 16.3 No Acceptable or Equal Bids

- a. Where bids are received that exceed budget, are not responsive to the requirement, or do not represent fair market value, a revised competitive bid shall be issued in an effort to obtain an acceptable bid unless Section 19.3.b applies.
- b. The department Director or Manager and the Director, Financial Services jointly may waive the need for a revised competitive bid and enter into negotiations with the lowest responsive bidder, emanating from a competitive bid, under the following circumstances:
  - i. the total cost of the lowest responsive bid is in excess of the funds appropriated by the Library Board for the project; and,



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- ii. the department Director or Manager and Director, Financial Services agree that the changes required to achieve an acceptable bid will not change the general nature of the requirement described in the competitive bid.
- c. The method of negotiation shall be those accepted as standard negotiating procedures that employ ethical public procurement practices in consultation with the Director, Financial Services.
- d. In the case of building construction contracts, where the total cost of the lowest responsive bid is in excess of the appropriation made by the Library Board, negotiations shall be made in accordance with the guidelines established by the Canadian Construction Documents Committee and in consultation with the Director, Financial Services.
- e. The Library reserves the right in its absolute and sole discretion to cease negotiations and reject any offer.
- f. In the unlikely event that two (2) or more compliant equal bids are submitted during a competitive bid process, Financial Services will offer an opportunity for bidders to re- bid. Should a tie persist, the following factors will be considered:
  - i. payment discount;
  - ii. when delivery is an important factor, the bidder offering the best delivery date is given preference;
  - iii. a bidder in a position to offer better after sales service, with a good record in this regard shall be given preference;
  - iv. a bidder with an overall satisfactory performance record shall be given preference over a bidder known to have an unsatisfactory performance record or no previous experience with the Library; and,
  - v. if the considerations above do not break the tie, equal bidders shall draw straws in no preferential order held by the Director, Financial Services or delegate and witnessed by a member of the Financial Services Team. The bidder who draws the longest straw will be the winner, and thus breaking the tie.

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### 16.4 Only One Bid Received

- a. In the event only one bid is received in response to a competitive bid, the Director, Financial Services may return the unopened bid to the bidder when, in the opinion of the department Director or Manager (or delegate) and the Director, Financial Services, using criteria, based on the number of bids which might reasonably be expected on a given type of bid, additional bids could be secured. In returning the unopened bid, the Director, Financial Services shall inform the bidder that the Library may be re-issuing the competitive bid at a later date
- b. In the event that only one bid is received in response to a request for competitive bid, the bid may be opened and evaluated in accordance with the Library's usual procedures when, in the opinion of the department Director or Manager (or delegate) and the Director, Financial Services, the bid should be considered by the Library. If, after evaluation by the department Director or Manager (or delegate) and the Director, Financial Services, the bid is found not to be acceptable, they may follow the procedures set out in Section 19.3.a., with necessary modifications
- c. In the event that the bid received is found acceptable, it will be awarded as an Irregular Result under Schedule "A" of this Policy.

### 16.5 Exclusion of Bidders Due to Poor Performance

- a. The Director, Financial Services may, in consultation with the CEO, prohibit unsatisfactory suppliers and contractors from bidding on any future competitive bids for a time period appropriate with the results of the performance evaluation process as outlined in Section 20.5.
- b. Suppliers may also be prohibited from bidding on any future contract if they maintain officers, department Director or Manager, or employees who are also officers, department Director or Manager, or employers of suppliers who have already been prohibited from bidding based on the results of the performance evaluation process as outlined in Section 20.5 of this Policy.

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### 16.6 Exclusion of Bidders in Litigation and disputes or appeals of contract awards

- a. The Library may, in its absolute sole discretion, reject a bid submitted if the bidder, or any officer or department Director or Manager of the bidder is or has been engaged, either directly or indirectly through another Corporation or personally, in a legal action against the Library, its elected or appointed officers and employees in relation to:
  - i. any other contract or services; or,
  - ii. any matter arising from the Library's exercise of its powers, duties, or functions; or,
  - iii. a dispute and/or an appeal of contract awards as per section 2.9
- b. In determining whether or not to reject a bid under this clause, the Library will consider whether the litigation is likely to affect the bidder's ability to work with the Library, its consultants and representatives, and whether the Library's experience with the bidder indicates that the Library is likely to incur increased staff and legal costs in the administration of the contract if it is awarded to the bidder.

### 17.0 Contract Administration

#### 17.1 Contractual Agreement

- a. The award of a contract may be made by way of an Agreement, Contract Record or Purchase Order.
- b. A Purchase Order or Contract Record is to be used when the resulting contract is straightforward and will contain the Library's standard terms and conditions.
- c. Agreement is to be used when the resulting contract is complex and will contain terms and conditions other than the Library's standard terms and conditions.
- d. It shall be the responsibility of the department Director or Manager (or delegate) with the Director, Financial Services and/or the CEO to determine if it is in the best interest of the Library to establish an agreement with the supplier.

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- e. Where it is determined that Section 20.1.d is to apply, the agreement shall be reviewed for execution by the CEO.
- f. Where an agreement is required, as a result of the award of a contract by delegated authority, the Library Board shall execute the agreement in the name of the Library.
- g. Where an agreement is issued, Financial Services may issue a Purchase Order or Contract Record incorporating the formal agreement.
- h. Where an agreement is not required, Financial Services shall issue an authorized Purchase Order or Contract Record incorporating the terms and conditions relevant to the award of contract.

### 17.2 Exercise of Contract Renewal Options

- a. Where a contract contains an option for renewal, the department Director or Manager may authorize Financial Services to exercise such option provided that all of the following apply:
  - i. the supplier's performance in supplying the goods and/or services or construction is considered to have met the requirements of the contract;
  - ii. any price increases are consistent with the prevailing market conditions for the goods or services being purchased;
  - iii. the facts justifying the decision to award this supplier previously are still relevant at the time of contract renewal
  - iv. funds are available or will be available in appropriate accounts within the Library Board approved budget, including authorized revisions, to meet the proposed expenditure;
  - v. The Board report, if applicable, clearly identified the options to extend;
  - vi. the department Director or Manager and Director, Financial Services agree that the exercise of the option is in the best interest of the Library; and,

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vii. compliance with Sections i) through v) is documented, authorized by the department Director or Manager and forwarded to Financial Services.

b. Approval for contract renewals and extensions shall be governed by Section 8.5 and Schedule "A".

### 17.3 Contract Amendments

a. No amendment to a contract shall be made unless the amendment is in the best interest of the Library.

b. No amendment that changes the price of a contract shall be agreed to without a corresponding change in requirement or scope of work.

c. Amendments to contracts are subject to the identification and availability of sufficient funds in appropriate accounts within the Library Board approved budgets including authorized amendments.

d. Department Director or Manager may authorize amendments when:

- i. the total amended value of the contract (original contract plus amendment) is within the approval limit as noted in Schedule "A"; or
- ii. the contract amendment will not exceed the Library Board approved source of financing by an amount greater than \$50,000 or 3% of contract value, whichever is greater, and there are funds available.

e. The Library Board must authorize contract amendments when:

- i. the total amended value of the contract will be greater than the administrative (department Director or Manager) approval threshold; or
- ii. the total amended value of the contract will exceed the Board approved source of financing by an amount greater than \$50,000 or 3% of contract value, whichever is greater, and there are funds available.

### 17.4 Execution and Custody of Documents

a. The Library Board are authorized to execute formal agreements in the name of the Library for which the award was made by delegated authority.

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- b. Financial Services shall have the authority to execute Purchase Orders and/or Contract Records issued in accordance with this Policy.
- c. Financial Services shall be responsible for the safeguarding of all original procurement and contract documents/records for the contracting of goods, services or construction for which the award is made by delegated authority.
- d. Department Director or Manager are responsible for executing and retaining all documents in accordance with Section 10.3.e of this Policy.

### 17.5 Performance Evaluation

- a. At the outset of a project, the client department manager shall institute a performance evaluation process in contracts where the department Director or Manager and/or Financial Services determine that a performance evaluation would be appropriate
- b. The performance evaluation shall rate the performance of the supplier, contractor or consultant on standard criteria adopted from time to time (i.e. failure to meet contract specifications, terms and conditions, health and safety violations, etc.). A copy of the introductory letter and performance evaluations shall be provided to the supplier, contractor or consultant in advance of the contract, and shall remain constant for the duration of the contract. Performance issues must be noted in writing with a copy to the supplier, Financial Services and a copy to the department project file. Performance issues must also be noted in any project meeting minutes
- c. On completion of the project, the client department Director or Manager will meet with Financial Services to review the evaluation. All supporting documents pertaining to any substandard performance and comments must be attached to the evaluation document. Financial Services will forward a copy of the completed evaluation to the supplier, contractor or consultant for their records. The supplier, contractor or consultant may request a meeting with the client department Director or Manager and a representative from Financial Services to discuss the evaluation and shall have twenty (20) calendar days following delivery of the evaluation to request an appeal. This appeal shall be forwarded to Financial Services.

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- d. The appeal shall be conducted by a dispute committee which will hear from both Library staff or its consultants and the supplier at a time and place appointed in writing by the Committee. The decision of the Dispute Committee shall be in writing and it shall be final.
- e. The performance evaluation shall determine whether a supplier, contractor or consultant will:
  - i. be allowed to renew a contract with the Library;
  - ii. be placed on a probationary list for a minimum of two (2) years during which time they shall be permitted to bid or propose work for the Library with the understanding that the work will be closely monitored; or
  - iii. be prohibited from bidding on any contracts with the Library during a three (3) year period, followed by a one (1) year probationary period after re-instatement as provided for in Section 19.5.
- f. In reaching a decision, the Dispute Committee shall rely upon the evaluation criteria determined in advance of the project and the results of prior performance evaluations relating to other contracts performed by the same supplier.
- g. No tender, proposal or quotation will be accepted from any supplier during the term of the suspension.

### **18.0 General**

#### **18.1 Cooperative Purchasing**

- a. The Library may participate with other government agencies or public authorities in cooperative purchasing where it is in the best interests of the Library to do so.
- b. The decision to participate in cooperative purchasing agreements will be made by the Director, Financial Services.
- c. The individual policies of the government agencies or public authorities participating in the cooperative competitive bid are to be the accepted by-law for that particular competitive bid.

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### 18.2 Direct Solicitation

- a. Unsolicited proposals received by the Library shall be referred to the Director, Financial Services for review.
- b. Any procurement activity resulting from the receipt of an unsolicited proposal shall comply with the provisions of this Policy.
- c. A contract resulting from an unsolicited proposal shall be awarded on a non-competitive basis only when the procurement complies with the requirements of a non-competitive procurement, as detailed in Section 14.

### 18.3 Resolution of Questions

Any question involving the meaning or application of this Policy is to be submitted to the Director, Financial Services who will resolve the question.

### 18.4 Access to Information

- a. The disclosure of information received relevant to the issue of competitive bids or the award of contracts emanating from competitive bids shall be made by the appropriate officers in accordance with the provisions of the Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, as amended.
- b. All records and information pertaining to competitive bids, which reveal a trade secret or scientific, technical, commercial, financial or other labour relations information, supplied in confidence implicitly or explicitly, shall remain confidential if the disclosure could reasonably be expected to:
  - i. significantly prejudice the competitive position or significantly interfere with the contractual or other negotiations of a person, corporation or other entity that responds, or intends to respond to a request for bids;
  - ii. result in similar information no longer being supplied to the Library where it is in the public interest that similar information continues to be so supplied;
  - iii. result in undue loss or gain to any person, group, committee or financial institution or agency; or,



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- iv. result in information whose disclosure could reasonably be expected to be injurious to the financial interests of the Library.

### 18.5 Local or Geographical Preference

The Library shall not give any local or geographical preference during the competitive bid process. The Library may mandate certain bona fide on-site response time requirements for specific situations.

### 18.6 Terms and Conditions

All standard Library Terms and Conditions for all procurement activities will govern unless there is written approval for the proposed changes from the client department Director or Manager and the CEO.

### 18.7 Receipt of Goods

- a. Department Director or Manager or any employee exercising delegated authority approval shall:
  - i. arrange for the prompt inspection of goods on receipt to confirm conformance with the terms of the contract; and
  - ii. inform Financial Services of discrepancies immediately.
- b. Financial Services shall coordinate an appropriate course of action with the department Director or Manager for any non-performance or discrepancies.

### 18.8 Application of Trade Agreements

This Policy is subject to applicable Trade Agreements.

### 19.0 Inquiries

Director, Financial Services  
CEO & Chief Librarian

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### **20.0 Related Documents**

*The London Public Library Credit Card Policy*

*The London Public Library Signing Authority Policy*

*The Corporation of the City of London Procurement of Goods and Services Policy*

*The Municipal Act*

*The Public Libraries Act*

*Municipal Conflict of Interest Act*

*Canadian Copyright Act*

*National Institute for Public Procurement (NIGP) Code of Ethics*

### **21.0 Document Control**

Approved: June 8, 1993 (L93/76.3)

Revised: January 10, 2001 (L01/03.2)

April 23, 2009 (L09/25.3)

March 28, 2013 (L13/17.3)

February 28, 2019

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### **SCHEDULE “A” – Levels of Contract Approval Authority**

Dollar Value (excluding taxes, duty or shipping)	Tool / Procurement Process	Approval Authority	Policy Section
Under \$10,000	Purchase Order	Department Director, Manager or Coordinator/Supervisor  Must be within departmental budget.	9
Greater than \$10,001 to \$50,000	Informal Request for Quotation (IRFQ) – three written quotes  <b>Note:</b> A copy of the quotes must be provided to Financial Services for their records.	Two of the following: Department Director, Manager or Coordinator/Supervisor and either the CEO or Director, Financial Services  Must be within departmental budget.	10
Greater than \$50,001 to \$100,000	Request for Formal Quotation (RFQ)  Request for Tender (RFT)  Request for Proposal (RFP)	CEO and Director, Financial Services	11, 12, 13

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Dollar Value (excluding taxes, duty or shipping)	Tool / Procurement Process	Approval Authority	Policy Section
Greater than \$100,001	Request for Tender (RFT)  Request for Proposal (RFP)	The Library Board	12, 13
Under \$50,000	Non-Competitive Purchases: Sole Source, Single Source or Emergency	CEO and Director, Financial Services  Must include documented rationale.	14
Over \$50,001	Non-Competitive Purchases: Sole Source, Single Source or Emergency	The Library Board	14
Under \$50,000	Contract Extensions – previously approved by the Library Board	CEO and Director, Financial Services	20
Over \$50,000	Contract Extensions – previously approved by the Library Board	The Library Board	20

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Dollar Value (excluding taxes, duty or shipping)	Tool / Procurement Process	Approval Authority	Policy Section
Up to \$50,000 or 3% of the Contract Value	Contract Amendments – subject to availability of sufficient funds in appropriate accounts and budget	CEO and Director, Financial Services	20

**Note:** For all IRFQ, RFQ, RFP, RFT as outlined under policy sections 8.10, 10, 11, 12, and 13, the criteria and analysis to determine best value must be clearly documented if not the lowest bid.

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### **SCHEDULE “B” – Goods and/or Services NOT Subject to this Policy**

1. Training and Education including:
  - i. Conferences, Seminars, Courses and Conventions ii Magazines, Subscriptions, Periodicals
  - ii. Memberships
  - iii. Staff Development
  - iv. Staff Workshops
  - v. Staff Relations
2. Refundable Employee Expenses in accordance with the Travel and Business Expense Policy.
3. Corporate General Expenses including:
  - i. Payroll and Payroll Deductions
  - ii. Medicals
  - iii. Insurance Premiums, Claim Settlements and Adjuster Services
  - iv. Tax Remittances, GST/HST Cost Recovery Reviews and WSIB Remittances
  - v. Charges to and from Other Government Agencies
  - vi. Development Charges
  - vii. Postage
  - viii. Newspaper Advertising
  - ix. Retirement Recognition Awards
  - x. Investment Management Services
  - xi. Employee Group Benefits, Compensation, Programs, Consulting and Reviews

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4. Licenses, certificates and other approvals required.
5. Ongoing maintenance and actions to maintain present functionality of existing computer hardware and software. All requests for purchases of computer systems (hardware and software that will be connected to the corporate network) must be reviewed by Information Technology Services and expressly authorized, in writing, by the Director, Information Technology Services or designate.
6. Professional and skilled services provided to individuals as part of approved programs within the Library programs including but not limited to medical services, home care services, counseling services and child care.
7. Professional and special services up to \$50,000, or defined more specifically in another Library Policy, including, but not limited to:
  - i. Additional Non-recurring Accounting and Auditing Services
  - ii. Public Debenture Sales
  - iii. Realty Services for Lease, Acquisition, Demolition, Sale and Appraisal of Land and Property, including Appraisal and Consulting Services relating to matters of Expropriation
  - iv. Performance / Artist's Fees (including but not limited to art projects and exhibits)
  - v. Integrity Commissioner Services

Professional and special services exceeding \$50,000 must follow the approval process outlined on Schedule "A".

8. Utilities - Water and Waste Water, Electricity, Electrical Inspection Services, Phone and Natural Gas.
9. Urgent Facilities Maintenance/Repairs/Renovations as deemed appropriate by the Director, Financial Services and/or Manager, Facility Services with the concurrence of the CEO.

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10. Legal Services and Labour Relations Services as deemed appropriate by the CEO and/or the Manager, Human Resources up to \$50,000.
11. Services provided for Library construction projects within a railway right-of-way as required by the rail authority having jurisdiction.
12. Revenue Generation Services provided to or by the Library with the intent to generate revenue for the Library.
13. Planning and Development or Re-development Projects to purchase, sell or repurpose property or other Library assets.
14. Banking Services where covered by agreements and provided either directly by the Library's contracted Banking Services provider or by one of the contracted Banking Services provider's strategic partners, affiliates or holdings as deemed appropriate by the Director, Financial Services and with the concurrence of the CEO.
15. Collections; The lending of library materials is the core service provided by a public library and is that which can most greatly affect funding considerations. Procurement processes and policy, appropriate for most purchasing, is not feasible for the consumer-driven nature of the publishing industry and the need for materials selectors to be both pro-active and reactive to user needs. Library materials selection also requires specialized knowledge in selecting and acquiring library materials.

The Director/Manager, in consultation with the Director, Financial Services or CEO, shall

- i. be responsible for the procurement of all Library Materials required by the Library;
- ii. determine the appropriate method by which Library Materials shall be obtained to best meet the Library's needs;
- iii. undertake regular evaluation of vendors of Library Materials to ensure the Library is obtaining competitive pricing for Library Materials.



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### **SCHEDULE “C” – Irregularities Contained in Bids**

Irregularity	Response
1. Late bids.	Automatic rejection
2. Insufficient financial security (no bid deposit or insufficient bid deposit).	Automatic rejection
3. Failure to insert the name of the bonding company in the space provided for in the bid documents.	Automatic rejection
4. Failure to provide a letter of agreement to bond/ letter of guarantee where required.	Automatic rejection
5. Incomplete, illegible or obscure bids or bids which contain additions not called for, erasures, alterations, errors or irregularities of any kind.	May be rejected as informal – Mandatory Requirements must be met or Automatic rejection
6. Documents, in which all addenda have not been acknowledged.	Automatic rejection
7. Failure to attend mandatory site visit.	Automatic rejection
8. Bids received on documents other than those provided by the City.	Automatic rejection
9. Failure to insert the bidder’s business name in one of the two spaces provided in the bid documents.	Automatic rejection
10. Conditions placed by the bidder on the total contract price.	Automatic rejection

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Irregularity	Response
<p>11. Bids containing minor mathematical errors</p>	<ul style="list-style-type: none"> <li>a) If the amount bid for a unit price item does not agree with the extension of the estimated quantity and the bid unit price, or if the extension has not been made, the unit price shall govern and the total price shall be corrected accordingly.</li> <li>b) If both the unit price and the total price are left blank, then both shall be considered as zero.</li> <li>c) If the unit price is left blank but a total price is shown for the item, the unit price shall be established by dividing the total price by the estimated quantity.</li> <li>d) If the total price is left blank for a lump sum item, it shall be considered as zero.</li> <li>e) If the bid documents contain an error in addition and/or subtraction and/or transcription in the approved competitive bid documentation format requested (i.e. not the additional supporting documentation supplied), the error shall be corrected and the corrected total contract price shall govern.</li> <li>f) Bid documents containing prices which appear to be so unbalanced as to likely affect the interests of the Library adversely may be rejected.</li> </ul>

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### **SCHEDULE “D” - Statement of Ethics for Public Purchasers**

The Ontario Public Buyers Association’s Code of Ethics is based upon the following tenets and all employees who are authorized to purchase goods and/or services on behalf of the Library are to adhere to the following.

1. Open and Honest Dealings with Everyone who is Involved in the Purchasing Process. This includes all businesses with which this Library contracts or from which it purchases goods and/or services, as well as all members of our staff and of the public who utilize the services of the Purchasing and Supply Team.
2. Fair and Impartial Award Recommendations for All Contracts and Tenders. This means that we do not extend preferential treatment to any supplier, including local companies. Not only is it against the law, it is not good business practice, since it limits fair and open competition for all potential suppliers and is therefore a detriment to obtaining the best possible value for each tax dollar.
3. An Irreproachable Standard of Personal Integrity on the Part of All Those Delegated as Purchasing Representatives for This Library. Absolutely no gifts or favours are accepted by the purchasing representatives of this Library in return for business or the consideration of business. Also, the purchasing representatives of this Library do not publicly endorse one company in order to give that company an advantage over others.
4. Cooperation with Other Public Agencies in Order to Obtain the Best Possible Value for Every Tax Dollar. The Library is a member of a cooperative purchasing group. Made up of several public agencies, this group pools its expertise and resources in order to practice good Value Analysis and to purchase goods and/or services in volume and save tax dollars.
5. Continuous Development of Purchasing Skills and Knowledge. All members of the Purchasing and Supply Team take advantage of the many opportunities provided by the Ontario Public Buyers Association to further their knowledge of good public purchasing principles and to maintain excellent skills.