NIAGARA FALLS PUBLIC LIBRARY	DATE EFFECTED: March 22, 2025 DATE REVISED:	PROCUREMENT POLICY
Associated Documents: Payment Policy, Budget Spending & Signing Authority Policy		

Section 1 - Purpose

The Niagara Falls Public Library ("NFPL" or the "Library") operates as a distinct municipal entity governed by the Public Libraries Act, R.S.O. 1990, c. P.44, with oversight and decision-making authority resting with the Library Board. This policy reflects the Library's legislative independence while aligning with the City of Niagara Falls' procurement practices to promote transparency, accountability, and cost-efficiency.

To support operational efficiencies and compatibility with the City's enterprise resource planning (ERP) system, the Library mirrors the City's procurement framework. However, all procurement decisions remain under the authority of the Library Board. Library-specific procedures may be developed where needed, provided they align with the City's overall policy intent.

This policy sets out the principles, responsibilities, and procedures for acquiring goods, services, and construction in a manner that is fair, competitive, and aligned with the Library's mission and strategic goals.

1.1. Goals of the Policy

The goals of this policy are to:

1.1.1. To ensure that the procurement of Goods, Services and Construction provide the Best Value consistent with the required quality and service.

1.1.2. To encourage competitive Bidding for the acquisition of Goods, Services and Construction with fair and equal treatment of all Bidders through an open, honest and transparent process.

1.1.3. To describe the roles, responsibilities and authorities of the Library's employees, and officers in carrying out the Library's Procurement process.

1.1.4. To ensure openness, accountability and transparency in the Procurement process while protecting the best interest of the Library of Niagara Falls.

1.2. Alignment with the City of Niagara Falls Policy

The Niagara Falls Public Library Board recognizes the importance of maintaining transparency, consistency, and fiscal responsibility in its procurement practices.The Library Board supports mirroring the City of Niagara Falls Procurement Policy, including procurement thresholds, competitive bidding methods, ethical standards, and approval authorities.

This alignment enhances consistency, supports ERP integration, and facilitates efficient service delivery as the City manages procurement activities on the Library's behalf. Where necessary, Library-specific procedures may supplement the City's framework.

Any additional procedures specific to library operations must align with the overall intent, accountability, and authorization structure set out in the City's policy.

1.3. Applications / Scope

This policy applies to all Library expenditures, contractual agreements, and financial commitments that require procurement.

The CEO and Directors oversee purchasing within their divisions, in accordance with the Library Board's framework and limits established in Appendix B. All purchases must align with the approved Library budget and be documented through the City's ERP system.

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Section 2 – Definitions

For the purposes of this Policy,

"Award" means selection to enter into a Contract with a chosen Supplier;

"Best Value" means, the consideration of cost, technical merit, and quality as determined by the Library. The Best Value may not be the lowest cost;

"Bid" means a submission from a prospective Supplier in response to a request for the purchase of Goods, Services or Construction issued by the Library;

"Bid Irregularity" means a potential or actual non-compliance with a Bid Solicitation that may lead to the disqualification of a Bid, or that may require corrective action to take place in order to make a Bid compliant;

"Bid Solicitation" means a request for Bids and includes Request for Quotations ("RFQ"), Request for Tenders ("RFT"), Request for Supplier Qualifications ("RFSQ"), Request for Proposals ("RFP"), Request for Rostered Candidates ("RFRC") and Request for Expressions of Interest ("RFEOI");

"Bidder", "Proponent" means a legal entity that submits a Bid in response to a Bid Solicitation;

"Bidding System" means the City's digital procurement platform for issuing Bid Solicitations and/or receiving electronic Bid submissions and posting results;

"Board" means the Niagara Falls Public Library Board;

"Budget" means the budget or portion of the budget approved by Board and Council;

"Chief Executive Officer" or "CEO" means the Chief Executive Officer of the Library;

"Library Board" means The Niagara Falls Public Library Board;

"Compliant Bid" means a Bid that meets the terms and conditions of the Bid Solicitation;

"Conflict of Interest" shall mean:

(i) a situation or circumstance, real or perceived, that could give a Supplier or potential Supplier an unfair advantage in a Procurement or compromise the ability of the Supplier or potential Supplier to perform its obligations under a Contract; and/or

(ii) a situation where a person, business or other interest of an elected or appointed official, officer or employee of the Library is, or can be reasonably be perceived to be, in conflict with the interests of the Library, and includes, but is not limited to:

a. the giving or receiving of a direct or indirect personal gain or benefit, or a direct or indirect advantage or privilege, by any person or business that offers Goods, Services or Construction to the Library;

b. a direct or indirect interest in any business that provides Goods, Services or Construction to the Library;

c. a conflict of interest as defined in the *Municipal Conflict of Interest Act (R.S.O. 1990, Chapter M.50)*, as amended; or

d. a conflict of interest as defined in the City of Niagara Falls *Conflict of Interest Policy #400.35*, as amended;

"Construction" means a construction, reconstruction, demolition, repair or renovation of a building, structure or other infrastructure or engineering or architectural work and includes site preparation, excavation, drilling, soil or seismic investigation, the supply of products and materials and the supply of equipment and machinery incidental to the Construction, and the installation and repair of fixtures of a building, structure or other engineering or architectural work;

"Contract" means an agreement between two or more parties that creates an obligation to purchase Goods, Services or Construction, and may include a Purchase Order, Formal Agreement and Library's Terms and Conditions;

"Cooperative Procurements" means the action taken when two or more entities combine their requirements to obtain advantages of volume purchases, including administrative savings and other benefits and lets organizations purchase goods and services through contracts already competitively solicited and awarded by a lead agency;

"Cost" means the actual expenses incurred in delivering Goods, Services or Construction and includes both direct and indirect costs or in the case of switching a provider, may include such items as training costs or other incremental costs associated to fully implement the product or service;

"Council" means the Council of The Corporation of the City of Niagara Falls;

"Department" means an area of operation within the Library, provided with a Budget to deliver Goods, Services and Construction;

"Department Head" means the head of a Department within a Library Division;

"Division" means a Division of the Library which includes any Departments within that Division;

"Emergency Purchase" means a purchase made in a crisis situation where immediate action is required to prevent the possible loss of life or property;

"Estimated Procurement Value" means the total estimated amount of the Procurement for budget or planning purposes over its entire duration, including all renewal options, exclusive of taxes;

"Director" means the head of a Library Division;

"Goods" means tangible objects of all kinds including but not limited to supplies, equipment, materials, products, structures and fixtures to be delivered, installed, or constructed;

"Informal Request for Quotations or "IRFQ" means an informal process for the procurement of Goods, Services or Construction based on clearly defined technical specifications and a limited number of Suppliers are invited to Bid;

"Lobbying" means the advocacy of an interest that is affected, actually or potentially, by the Bid Solicitation process or individuals involved in the Bid Solicitation process including seeking to influence the outcome of the Bid Solicitation process or subsequent Award;

"Lowest Compliant Bid" means a Bid with the lowest price meeting all requirements of an IRFQ, RFQ or RFT, subject to any rights or privileges reserved by the Library contained in the respective procurement document, or unless otherwise approved by Council;

"Low Value Purchase" means a purchase for Goods, Services or Construction as per the thresholds stated in Schedule B of this policy that are not covered by an existing supply agreement or qualified supplier roster or available through the Library's existing materials inventory;

“Negotiation” means a process in which the Library may negotiate with one or more Suppliers with the intent to Award a Contract or extend an existing Contract;

“Purchasing Card (P-Card)” means a credit card approved by a recognized financial institution imprinted with the cardholders name, Library of Niagara Falls name, credit card number and expiration date. A P-Card may be issued to employees who procure miscellaneous non-PO goods and services, or for the settlement of other administrative expenditures to support the payment process;

“Procure or Procurement or Purchase” means to acquire Goods, Services or Construction by purchase, rental, lease, and other methods.

“Procurement Procedures” means the procurement procedures approved by the General Manager of Corporate Services and Senior Manager of Strategic Procurement & Initiatives in consultation with the Chief Executive Officer and Directors (Corporate Leadership Team), as amended from time to time, which Library Staff shall follow;

“Procurement Protest” means a written objection by an interested party to a Solicitation or an Award of a Contract;

“Purchase Order (PO)” means a standard contract used by the Library to formalize a procurement with a Supplier of Goods, Services or Construction;

“Purchase Requisition” means a request for Goods, Services or Construction prepared by the requisitioning Department;

“Purchasing Authority” means the authority delegated to designated employees to initiate and administer the purchase of Goods, Services and Construction up to the prescribed thresholds in accordance with this Procurement Policy and the Library’s Procurement Procedures;

“Purchasing Delegate” is the person that has been delegated Purchasing Authority to initiate and administer the purchase of Goods, Services and Construction up to the prescribed thresholds and is responsible for ensuring that the appropriate purchasing process has taken place in accordance with this Procurement Policy and the Library’s Procurement Procedures;

“Request for Expressions of Interest” or “RFEOI” means a public invitation used by the Library to gather information on future supplier interest in an opportunity or information on supplier capabilities and qualifications to better understand potential supply in the marketplace, before deciding whether to initiate a formal competitive process. An RFEOI does not lead to Award;

“Request for Proposals” or “RFP” means a formal solicitation process where a need is identified but how it will be achieved is unknown at the outset. This process allows Suppliers to propose solutions or methods to arrive at the desired result and each proposal is evaluated based on defined criteria. The Bidding process may allow for negotiations to be conducted with suppliers in accordance with the terms as defined in the RFP;

“Request for Quotations” or “RFQ” means a formal solicitation process for obtaining Bids based on clearly defined technical specifications;

“Request for Rostered Candidates or “RFRC” means a formal publicly advertised invitation by the Library used to pre-qualify Suppliers through such attributes as experience, financial strength, education or other pertinent considerations with the intent of creating an approved list of Suppliers known as rostered candidates. Once a roster is established, projects may be assigned on an invitational, rotational or ‘best fit’ basis in accordance with the terms as defined in the RFRC;

“Request for Supplier-Qualifications” or “RFSQ” means a formal publicly advertised invitation by the Library used to pre-qualify Suppliers in the first stage of a two-stage competitive process through such attributes as experience, financial strength, education or other pertinent considerations in order to establish a list of qualified Suppliers. Suppliers who meet the requirements of the RFSQ are invited to participate in a subsequent procurement process;

“Request for Tenders” or “RFT” means a formal solicitation process for obtaining Bids based on clearly defined technical specifications;

“Section Head” means the Head of a Library Section within a Library Department;

“Services” means all professional, consulting, construction or maintenance services, as well as any other services described in a Bid Solicitation or a Contract;

“**Signing Authority”** means the authority to sign legal documents such as purchase orders, contracts, and other non-monetary agreements on behalf of the Library;

“Signing Officer” means Staff occupying an organizational position that has been delegated Spending Authority and/or Signing Authority;

“Single Source” is a method of procurement where more than one Supplier is able to Supply the Goods, Services or Construction but for reason of function or service, one Supplier is recommended for consideration and the purchase will be made without a competitive Bidding process;

“Sole Source” is a method of procurement where there is only one available Supplier who possesses the unique ability or capability to meet the Library’s particular requirements for the Goods, Services or Construction and purchase will be made without a competitive Bidding process;

“Spending Authority” means the authority to approve financial transactions;

“Supplier” means any individual or organization offering Goods, Services or Construction to the Library; and

“Unsolicited Proposal” means a submission received from any source whereby the originator believes that the proposal may be of benefit to the Library that is not submitted to the Library in response to a Solicitation or other process initiated by the Library.

Section 3 – Application

3.1. This Policy applies to the Procurement of all Goods, Services and Construction carried out by the Library or any of its officers and employees and is subject to the provisions of Trade Agreements.

3.2. Where an applicable Trade Agreement is in conflict with this Policy, the Trade Agreement shall take precedence to the extent only of the conflict.

3.3. All purchases shall be subject to this Policy, the Library’s procurement procedures and the City’s Purchasing Card Policy, as amended.

3.4. All persons involved in the Purchase of Goods, Services and Construction provided for in this Policy shall act in a manner consistent with the requirements and objectives of this Policy and the procurement procedures.

3.5. Purchases shall not be divided into two (2) or more parts to avoid the requirements of this Policy.

Section 4 – Non-Compliance Monitoring and Reporting

4.1. The CEO, Director or designate may randomly review divisional procurement related files on an on-going basis to review the effectiveness and integrity of the processes and policy adherence.

4.2. Non-compliance of this Policy by Library staff will be subject to a review by the Library, and may result in corrective disciplinary action.

Section 5 – Authorities and Responsibilities

5.1. Expenditure Authorization

Board has the ultimate authority for all expenditures. Board delegates this authority to initiate procurement processes for Goods, Services and Construction through the authorization of annual Budgets or by resolution.

5.1.1. The Finance Department cannot process payment for any item that has not been authorized through Budget appropriation or specific resolution. Authorization limits for payment are outlined in the Library's Budget Spending and Signing Authority Policy.

5.1.2. The Spending Authority means the authority to approve procurements and financial transactions for payment.

5.1.3. The Signing Authority extends to signing all required purchasing documentation by the Signing Officer, including the signing of Contracts and agreements for procured Goods, Services and Construction.

5.2. Purchasing Authorization

Purchasing Authority is delegated to designated employees to initiate and administer the purchase of Goods, Services and Construction up to the prescribed thresholds in accordance with this Procurement Policy and Procedures.

5.2.1. The Purchasing Authority/Delegate is the person responsible for ensuring that the appropriate purchasing process has taken place.

5.2.2. All appointments must be recorded and approved by the CEO, Director or delegate of the respective Division, as applicable.

5.2.3. All transactions require both Purchasing Authority and Spending Authority approvals.

5.2.4. The Purchasing Authority and Spending Authority cannot be the same individual for the same transaction to ensure separation of duties.

5.3. Chief Executive Officer and Director Authorization and Responsibilities

The CEO and Director are responsible for administering the purchasing function within their Division. The CEO and Director may assign Purchasing Authority to Department and Section Heads.

5.4. Department / Section Head Authorization and Responsibilities

A Department or Section Head, to whom any authority has been assigned pursuant to Section 5.3. shall be authorized to administer the purchasing function within their respective Departments or Sections.

5.5. Purchasing Delegate

A Department Head or Section Head, to whom any authority has been assigned pursuant to Section 5.4 may delegate Purchasing Authority to a Purchasing Delegate within their Department or Section.

5.6. Procurement Department Responsibilities

It is the role of the City of Niagara Falls Procurement Department to lead the Library's Procurement operations. In fulfilling this role, the Procurement Department is responsible for:

5.6.1. Ensuring the consistent application of this Policy and related Procedures and the provision of Procurement services to the Divisions efficiently and diligently.

5.6.2. Developing Procurement strategies and continually analyzing business requirements and spending patterns to identify opportunities for more strategic sourcing;

5.6.3. Researching, developing, maintaining, updating, and communicating Procurement policies, procedures, and templates;

5.6.4. Addressing any issues or concerns that arise in respect to a Procurement process and seeking guidance, support, and advice of the Legal Services Department, as required; and

5.6.5. Providing appropriate orientation, training, and tools to employees that have been delegated Purchasing Authority.

5.7. Department Responsibilities

Library staff that have been delegated Purchasing Authority will have the following specific responsibilities:

5.7.1. Ensure Budget availability prior to soliciting Goods, Services and Construction in accordance with Council approved Budgets;

5.7.2. Ensure valid Workplace Safety and Insurance Board("WSIB") and insurance coverage when procuring Goods, Services and Construction, as applicable;

5.7.3. Ensure Goods, Services and Construction are received by the Library and that all Contract terms and conditions comply with the Bid Solicitation;

5.7.4. Prepare and approve all specifications and terms of reference for inclusion in Formal Bid Solicitations in collaboration with the Procurement Department;

5.7.5. Monitor all contract expenditures and ensure that all financial limitations have been complied with and that all accounts are paid within the time set out in the Contract or as required by applicable laws;

5.7.6. Monitor, document and report on the performance of Suppliers;

5.7.7. Standardize the use of Goods, Services and Construction where such standardization supports the purpose, goals and objectives of this Policy; and

5.7.8. Encourage the purchase of Goods, Services and Construction with due regard to the preservation of the natural environment when possible.

Section 6 – Approval Levels

Except as provided in Section 8.6 of this Policy, the authority to Award a Contract is subject to the identification and availability of sufficient funds in appropriate accounts within the Budget.

6.1. Where Goods, Services and Construction are routinely purchased or leased on a multi-yearly basis, the authority to Award a Contract is subject to the following:

6.1.1. The identification and availability of sufficient funds in appropriate accounts for the current year within the Budget;

6.1.2. The Goods, Services or Construction will continue to be required in subsequent years and in the opinion of the CEO the required funding can reasonably be expected to be made available; and

6.1.3. The Contract includes a provision that the supply of the Goods, Services or Construction in subsequent years is subject to the approval by Board and Council of the Budget estimates to meet the proposed expenditures.

Section 7 – Purchasing Mechanisms

Any person purchasing on behalf of the Library shall do so using one of the purchasing mechanisms set out in Section 7. The purchasing mechanism may be utilized individually or in combination with one another, as may be appropriate in the circumstances.

7.1. Co-operative Procurements

In consultation with the Procurement Department, the Library requires staff to use Cooperative Purchasing wherever possible when:

7.1.1. there is an economic advantage in doing so;

7.1.2. it is deemed to be in the best interest of the Library;

The development and/or use of a Cooperative Purchasing arrangement must be taken into consideration prior to the development and issuance of a Bid Solicitation.

Where Co-operative Purchasing arrangements have been implemented by the Library, staff are required to purchase from these initiatives.

7.2. Low Value Purchases

Low Value Purchases having an Estimated Procurement Value **less than $10,000** may be purchased in accordance with the Procurement Procedures when:

7.2.1. the item is not available through the City's Stores or an existing agreement; and

7.2.2. both cost and value have been taken into consideration.

All Low Value Purchases shall be made through the following means:

7.2.3. payment by P-Card in accordance with the City's Purchase Card Policy; or a Purchase Order.

7.3. Informal Request for Quotations (IRFQ)

An Informal Request for Quotation process shall be completed for procurements having an Estimated Procurement Value **between $10,000 and up to $50,000** and in accordance with the Procurement Procedures under the following conditions:

7.3.1. At least three (3) written quotations from different Suppliers are obtained wherever possible. A process that results in more than three (3) written quotations is encouraged.

7.3.2. The Award shall be made to the lowest compliant quotation that meets minimum specifications and a contract shall be entered into in accordance with Schedule B.

7.3.3. Should the results of the IRFQ process exceed the procurement threshold, the approval to proceed with the process shall be reviewed and permitted with approval of the CEO.

All IRFQ's will be issued and received by the User Department.

7.4. Request for Quotations (RFQ) - Formal

Request for Quotations shall be issued for purchases having an Estimated Procurement Value **between $50,000 and up to $130,000** and in accordance with the Procurement Procedures under the following conditions:

7.4.1. The Award shall be made to the lowest compliant Bid that meets minimum specifications and a contract shall be entered into in accordance with Schedule B.

7.4.2. Should the results of the RFQ process exceed the procurement threshold, the approval to proceed with the process shall be reviewed and permitted with approval of the CEO.

All formal RFQs will be issued and received by the Procurement Department in accordance with the instructions in the Bid Solicitation.

7.5. Request for Tenders (RFT)

Request for Tenders shall be issued for purchases having an Estimated Procurement Value **$130,000 and greater** in accordance with the Procurement Procedures and the following:

7.5.1. the Goods, Services and Construction are adequately defined to permit the evaluation of Bids against clearly defined criteria, and

7.5.2. the Award shall be made to the lowest compliant Bid that meets minimum specifications and a contract shall be entered into in accordance with Schedule B.

All RFTs shall be issued and received by the Procurement Department in accordance with the instructions in the Bid Solicitation and shall be advertised in accordance with Section 9.

7.5.3. A Bid Solicitation may require that Bids be accompanied by a Bid security as a method to guarantee that the recommended Supplier enters into the Contract with the Library.

7.5.4. A Bid Solicitation may also require a performance bond and/or a labour and materials payment bond to guarantee performance of the contract and payment to the Supplier's subcontractors.

7.6. Request for Proposals (RFP)

Request for Proposals shall be issued for purchases having an Estimated Procurement Value **$25,000 and greater** and in accordance with the Procurement Procedures when one or more of the following applies:

7.6.1. the Goods, Services or Construction cannot be specifically stipulated;

7.6.2. alternative methods or innovative solutions are being sought to perform certain functions or services; or

7.6.3. achievement of Best Value is sought.

7.6.4. All RFPs will be evaluated by an evaluation team based on the criteria outlined in the Bid Solicitation.

7.6.5. The Award selection will be made based on a fully disclosed evaluation method and a contract shall be entered into in accordance with Schedule B.

7.6.6. Any public disclosure of information shall be made in accordance with the provisions of the *Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990;*

7.6.7. A modified RFP process which may include a modification to the evaluation process shall be reviewed and permitted with approval of the General Manager of the issuing department, the CEO.

All RFPs shall be issued and received by the Procurement Department in accordance with the instructions in the Bid Solicitation and shall be advertised in accordance with Section 9.

7.7. Request for Supplier Qualifications (RFSQ)

Where appropriate, a Request for Supplier Qualifications process may be completed.

Supplier submissions will be evaluated, ranked, and a list of pre-qualified Suppliers will be established who may be eligible to participate in a subsequent Bid Solicitation.

Pre-qualification under a RFSQ may be considered in the following circumstances:

7.7.1. the Goods, Services or Construction to be purchased must meet national safety standards;

7.7.2. the work involves complex, multi-disciplinary activities, specialized expertise, equipment, materials, or financial requirements;

7.7.3. there could be a substantial impact on the Library's operations if the work is not satisfactorily performed; and/or

7.7.4. any other circumstances deemed appropriate by the applicable CEO and/or Director.

All RFSQs shall be issued and received by the Procurement Department in accordance with the instructions in the Bid Solicitation and shall be advertised in accordance with Section 9.

7.8. Request for Rostered Candidates (RFRC)

Where appropriate, an RFRC for the purposes of establishing a Roster may be completed.

Supplier submissions will be evaluated, ranked, and a list of qualified Suppliers will be established who may then be hired to perform works in accordance with the process as defined in the Solicitation.

In the event that the Roster includes only one (1) Supplier, the Library shall reserve the right to invite other Suppliers to submit Bids.

All RFRCs shall be issued and received by the Procurement Department in accordance with the instructions in the Bid Solicitation and shall be advertised in accordance with Section 9.

Section 8 - Non-Competitive Purchase Mechanisms

8.1. Single Source Purchases

All Single Source purchases having an Estimated Procurement Value:

8.1.1. **Between $10,000 and up to $130,000** must be approved prior to the purchase by:

a) the Department Head; and
b) the Division Head;

8.1.2. **Between $130,000 and up to $250,000** must be approved prior to the purchase by:

a) the Department Head;
b) the Division Head; and
c) the Chief Executive Officer.

8.1.3. **$250,000 and greater** must be authorized prior to the purchase through resolution of the Board.

All Single Source Purchases shall be authorized and a contract entered into in accordance with Schedule B.

8.2. Sole Source Purchases

All Sole Source purchases having an Estimated Procurement Value:

8.2.1. **Between $10,000 and up to $130,000** must be approved prior to the purchase by:

a) the Department Head; and
b) the Division Head;

8.2.2. **Between $130,000 and up to $250,000** must be approved prior to the purchase by:

a) the Department Head;
b) the Division Head; and
c) the Chief Executive Officer.

8.2.3. **$250,000 and greater** must be authorized prior to the purchase through resolution of the Board.

All Sole Source Purchases shall be authorized and a Contract entered into in accordance with Schedule B.

8.3. Unsolicited Proposals

Unsolicited Proposals may be in writing detailing information on how the proposal can provide the Library with significant value or savings. While there is no obligation on the Library to do so, Unsolicited Proposals may be accepted and a Contract entered into for a maximum of a one-year period.

All Unsolicited Proposals having a total cumulative dollar amount:

8.3.1. **Between $10,000 and up to $130,000** must be approved prior to the purchase by:

a) the Department Head; and
b) the Division Head;

8.3.2. **Between $130,000 and up to $250,000** must be approved prior to the purchase by:

a) the Department Head;
b) the Division Head; and
c) the Chief Executive Officer.

8.3.3. **$250,000 and greater** must be authorized prior to the purchase through resolution of the Board.

No further subsequent proposals providing the same or similar Goods or Services will be permitted without the issuance of a Solicitation.

Where a Solicitation is undertaken as a result of an Unsolicited Proposal, the Supplier who submitted the Unsolicited Proposal shall not be precluded from participating in a future Solicitation process.

An Unsolicited Proposal shall not be considered if:

8.3.4. it is a Good or Service that is already being purchased by the Library;

8.3.5. it resembles a current or upcoming competitive Solicitation that has or will be requested;

8.3.6. it requires substantial assistance from the Library to complete the proposal;

8.3.7. the Goods or Services are readily available from other sources; and/or

8.3.8. it is not deemed by the CEO and/or Director to be of sufficient value to the Library.

All accepted Unsolicited Proposals shall be authorized and a contract entered into in accordance with Schedule B.

8.4. Purchase by Negotiation

A Department Head may purchase by Negotiation with one or more Suppliers without a Formal Bid Solicitation process upon approval of the Division Head and Chief Executive Officer under the following conditions:

8.4.1. When market conditions for the purchase are in short supply in the judgement of the CEO, and the applicable Director;

8.4.2. A Single or Sole Source exists;

8.4.3. The Lowest Compliant Bid received meets all specifications but exceeds the approved Budget available for the Procurement;

8.4.4. Only one (1) Bid is received in response to a Bid Solicitation; or 8.4.5 To purchase used fleet equipment that is being sold by:

a) other municipalities; or
b) by private sale or public auction; or
c) through a Supplier licensed to sell used fleet equipment providing the equipment meets or exceeds the divisional fleet equipment requirements.

All negotiated purchases shall be authorized and a Contract entered into in accordance with Schedule B.

8.5. Request for Expressions of Interest (RFEOI)

An RFEOI may be issued to determine if there is sufficient vendor interest to justify proceeding with a competitive procurement process and to gain additional information from the Supplier community. The RFEOI process does not lead to a contract Award.

All RFEOI's shall be issued and received by the Procurement Department in accordance with the instructions in the Bid Solicitation and shall be advertised in accordance with Section 9.

8.6. Emergency Purchases

8.6.1. In specified circumstances, the Library may be required to respond to an emergency which includes, without limitation:

a) An emergency declared pursuant to the *Emergency Management and Civil Protection Act, 1990;*
b) an event or circumstance where the Library's municipal emergency Control Group established under the Act has been activated;
c) there is an imminent or actual danger to the life, health or safety of an official or an employee while acting on the Library's behalf;
d) there is an imminent or actual danger to destruction of real or personal property belonging to the Library; or
e) when immediate procurement of Goods or Services is essential or necessary to:
    i. prevent or alleviate serious delay, a threat to public health, safety or welfare,
    ii. prevent the disruption of essential Services, or
    iii. prevent damage to public property.

8.6.2. Any Department Head shall be authorized to make Emergency Purchases in excess of $50,000 upon approval of the Division Head, and the CEO. All such purchases must be reported to the Procurement Department on the following business day.

8.6.3. Any Emergency Purchases in which there was sufficient budget funding available for the Purchase will be reported to the Board.

8.6.4. Any Emergency Purchases in which there was not sufficient budget funding available for the Purchase will be reported to the Board at the next available Board meeting.

Section 9 - Advertising of Bid Solicitations

The advertising of all formal Bid Solicitations will be conducted in compliance with applicable trade agreements.

Section 10 - Bid Irregularities

The Procurement Department will maintain procedures to administer Bid Irregularities.

Each Formal Bid Solicitation document issued by the Procurement Department will outline Bid Irregularities that may lead to the disqualification of a Bid.

Section 11 - Tie Breaker

Where Bids are received from competing Bidders, such Bids are low and compliant, and such Bids are scored equally or have the same value or price for the Library, tie breaking methods shall be used as per the Bid Solicitation document and the Procurement Procedures. The outcome of the tie breaking method is final.

Section 12 - Board/Council Approval and Reporting

Despite any other provisions of this Policy, the following procurements are subject to prior approval unless deemed compliant with the Library's policies:

12.1. any Contract requiring approval from the provincial or federal governments or their agencies;

12.2. any Contract prescribed by statute to be approved by the Board;

12.3. any acquisition of Goods, Services and Construction that is not already approved in a Budget, such as items requiring pre-budget approval or post-Budget amendments, which must be reported to the Board in order to have the expenditure authorized via resolution;

12.4. any Contract where the Award is not being recommended to the lowest compliant Bidder or the highest compliant scoring Proponent;

12.5. any circumstances when the Bid process did not follow all provisions outlined in the Procurement Policy;

12.6. any circumstances when the scope of a project has changed from that which was approved by the Board in the Budget;

12.7. any circumstances where the recommended Award exceeds the amount from that which was approved by the Board in the Budget;

12.8. where an exemption is required to the conditions or limits set out in this Policy;

12.9. the authority to Award has not been expressly delegated to Library Staff; or

12.10. the recommendation is to award any of the following having an Estimated Procurement Value of $250,000 and greater:

a) a Single Source;
b) a Sole Source;
c) an Unsolicited Proposal; or
d) a Purchase by Negotiation.

Section 13 - Exceptions

Notwithstanding anything contained in this Policy, the Board may deviate from this Policy. Any deviation to the Procurement Policy shall be explicitly set out in a Board resolution.

Section 14 - Form of Contract

All Awards shall require the issuance of a Contract in accordance with Schedule B and in a form satisfactory to legal services.

Section 15 – Conflict of Interest

To avoid real and perceived conflicts between the interests of the Library and those of the Library's employees and elected officials and to ensure compliance with the *Municipal Conflict of Interest Act R.S.O 1990, c.M.50*, as amended:

15.1. Internal Conflict of Interest

15.1.1. It is the responsibility of all persons involved in the Bid Solicitation and evaluation to disclose any inherent or potential Conflict of Interest to the applicable Director.

15.1.2. Any person disclosing a Conflict of Interest shall remove themselves from the procurement process associated with the Conflict.

15.1.3. It is the responsibility of all members of the Board to disclose any inherent or potential Conflict of Interest to the Board at any time the matter is being considered by the Board.

15.2. Supplier Code of Conduct and Conflict of Interest

15.2.1. The Library requires its Suppliers to act with integrity and conduct business in an ethical manner. The Library may refuse to do business with any Supplier that has:

a) engaged in illegal or unethical Bidding practices;
b) has an actual or potential Conflict of Interest;
c) has an unfair advantage; or
d) fails to adhere to ethical business practices.

15.2.2. Suppliers are responsible for ensuring that any employees, representatives, agents, or subcontractors acting on their behalf conduct themselves in accordance with this Supplier Code of Conduct.

15.2.3. During a formal Procurement process, all communications shall be made through the Procurement Department. No Supplier or person acting on behalf of a Supplier or group of Suppliers shall contact any elected official, consultant, or any employee of the Library or City to attempt to seek information or to influence the award.

15.2.4. A Conflict of Interest in relation to the performance of a Supplier's contractual obligations is when a Suppliers other commitments, relationships or financial interests:

a) could, or could be seen to exercise an improper influence over the objective, unbiased, and impartial exercise of its independent judgement; or
b) could, or could be seen to, compromise, impair, or be incompatible with the effective performance of its contractual obligations;

15.2.5. The Library may require the immediate removal and replacement of any individual or entity acting on behalf of a Supplier that conducts themselves in a manner inconsistent with this Supplier Code of Conduct and Conflict of Interest. The Library may refuse to do business with any Supplier that is unwilling or unable to comply with any of these requirements.

15.3. Conflicts of Interest in Bidding Practices

A Conflict of Interest in relation to a Bidding process is when a Bidder has an unfair advantage or engages in conduct, directly or indirectly, that may give it an unfair advantage, including but not limited to:

15.3.1. having, or having access to, confidential information of the Library in the preparation of its Bid that is not available to other Bidders;

15.3.2. having been involved in the development of the Bid request including having provided advice or assistance in the development of the Bid request;

15.3.3. receiving advice or assistance in the preparation of its response from any individual or entity that was involved in the development of the Bid request;

15.3.4. communicating with any person with a view to influencing preferred treatment in the Bidding process (including but not limited to the Lobbying of decision makers involved in the Bidding process); or

15.3.5. engaging in conduct that compromises or could be seen to compromise, the integrity of the open and competitive Bidding process or render that process non-competitive or unfair.

15.4. Illegal or Unethical Bidding Practices

Illegal or unethical Bidding practices include:

15.4.1. Bid-rigging, price-fixing, bribery or collusion, or other behaviors or practices prohibited by federal or provincial statutes;

15.4.2. offering gifts or favours to Library or City officers, employees, appointed or elected officials, or any other representative of the Library or City;

15.4.3. submitting inaccurate or misleading information in a procurement process; and

15.4.4. engaging in any other activity that compromises the Library's ability to run a fair procurement process.

The Library will report any suspected cases of collusion, bid-rigging or other offences under the Competition Act to the Competition Bureau or to other relevant authorities.

15.5. Declaring and Avoiding Conflicts of Interest

15.5.1. All Suppliers participating in a procurement process must declare any perceived, possible, or actual Conflicts of Interest.

15.5.2. In accordance with Section 15.3, where a Supplier is retained to participate in the development of a Bid Solicitation or the specifications for inclusion in a Bid Solicitation, or otherwise advises the Library in the relation to the preparation of a Bid Solicitation or the administration of a Bidding process, that Supplier will not be allowed to respond directly to that Solicitation.

15.6. Ethical Business Practices

In providing Goods, Services and Construction, Suppliers are expected to adhere to ethical business practices including:

15.6.1. performing all contracts in a professional and competent manner and in accordance with the terms and conditions of the contract and the duty of honest performance.

15.6.2. comply with all applicable laws, including safety and labour codes (both domestic and international as may be applicable); and

15.6.3. providing workplaces that are free from harassment and discrimination.

15.7. False Declarations

15.7.1. If a Supplier includes false or misleading information in response to a Bid Solicitation, the Library may suspend that Supplier from participating in future procurement practices.

15.7.2. If a Supplier fails to disclose a Conflict of Interest in connection with a procurement process or during the performance of a contract with the Library, and the Library subsequently discovers that such Conflict of Interest exists, the Library may suspend that Supplier from participating in future procurement processes and/or terminate the existing contract.

15.7.3. The following non-exclusive factors weigh in favour of suspension:

a) The Supplier knowingly made misrepresentations or failed to disclose a Conflict of Interest;
b) The misrepresentation or undisclosed Conflict of Interest resulted in the Supplier having an unfair advantage or otherwise compromised the integrity of the Library's procurement process.

15.8. Library Conflict Determination

Determinations in relation to Conflict of Interest under the Policy shall be the responsibility of the CEO in consultation with the applicable Director and legal services.

Section 16 - Lobbying Restrictions

16.1. Lobbying restrictions shall apply to Suppliers, their staff members or anyone involved in preparing a Bid.

16.2. No Suppliers, their staff members, or anyone involved in preparing a Bid shall engage in any form of political or other Lobbying whatsoever or seek to influence the outcome of the Bid Solicitation process or subsequent Award.

16.3. This restriction extends to all Library and City staff and anyone involved in the Bidding process including but not limited to, preparing a Bid Solicitation or participating in a Bid evaluation process.

16.4. The Library may reject any Bid by a Supplier that engages in such Lobbying without further consideration.

16.5. Elected officials shall avoid any involvement in all Procurement processes. An elected official who receives inquiries related to any specific procurement or Bid Solicitation process shall redirect those inquiries to the Procurement Department.

Section 17 - Supplier Performance

17.1. The Purchasing Authority/Delegate shall monitor and document the performance of Suppliers providing Goods, Services or Construction to that Department and shall advise the CEO in writing when the performance of a Supplier has been unsatisfactory. The CEO shall, in turn, notify the Procurement Department.

17.2. The Library will proactively manage the performance of Suppliers during the term of the awarded contract.

17.3. The Library may, in its sole discretion, suspend for a specified timeframe or disqualify a Supplier from

Bidding on any Bid Solicitation or reject a Bid submitted by the Supplier if a Supplier:

a) has, at any time, threatened, commenced, or engaged in a claim or litigation against the Board or City, except an adjudication under the *Construction Act, R.S.O. 1990, c. C.30*;
b) is a party in a claim or litigation initiated by the Board or City;
c) previously provided Goods, Services or Construction to the Library or City in an unsatisfactory manner, including but not limited to failing to meet contract specifications, terms, and conditions, as well as causing or permitting health and safety violations;
d) has failed to satisfy an outstanding debt owed by the supplier to the Library or City;
e) has a history of illegitimate, frivolous, unreasonable, or invalid claims against the Board or City; and/or
f) provides incomplete, unrepresentative references, or receives unsatisfactory external and/or internal references in a reference check in relation to the Bid Solicitation.

17.4. A Supplier who's right to Bid has been suspended or disqualified may apply in writing to the CEO and/or Director for reinstatement of such rights. In the case of a suspension, such application may be made at any time after the expiry date of the suspension period in the written notice provided.

Section 18 – Public Endorsement

No public endorsement or opposition of any existing or potential Supplier may be made by staff without prior consultation and approval of the CEO. This shall not include the giving of a reference for a Supplier which has supplied Goods, Services and/or Construction to the Library.

Section 19 - Debriefing

19.1. All requests for a formal or informal Supplier debriefing to obtain feedback on why a Bid was not successful must be received by the City of Niagara Falls in writing and directed to the Procurement Department.

19.2. A request for a Supplier debriefing will not alter an Award decision.

Section 20 - Dispute Resolution

20.1. The Library encourages competitive Bidding and an open, accountable, and transparent process for the Purchase of Goods, Services and Construction.

20.2. To maintain the integrity of the Bid Solicitation process, a Supplier that believes that it has been treated unfairly in a Bid Solicitation may challenge the process by filing a Procurement Protest with the Bid Solicitation Contact in accordance with the Bid Solicitation documents.

20.3. The Bid Solicitation Contact will consult with the Senior Manager of Strategic Procurement & Initiatives or designate and a response will be provided to the Supplier after consultation with the Library CEO or Director..

20.4. If resolution cannot be achieved, the Supplier can submit the Procurement Protest to the Director who will review the matter and render a decision in consultation with legal services. The decision rendered will be final.

Section 21 - Access to Information

21.1. The maintenance, release, and management of all Procurement records must be in accordance with the Library's policies and procedures on document management and access to information and in keeping with

the Library's legal obligations under the *Public Libraries Act, R.S.O. 1990, c. P.44* and the *Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c. M.56*, as amended.

21.2. All Suppliers who Contract with the Library shall adhere to or exceed the standards set in the *Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c. M.56*, as amended and the *Personal Health Information Protection Act, 2004, S.O. 2004, c. 3, Sched. A*, and other relevant Ontario or Federal Privacy Legislation or common law as may be passed or amended from time to time, as though they were agents of the Library as it relates to the confidential and secure treatment, including collection, use, disclosure or retention, of personal information or personal health information, other confidential information of the Library, and all records thereof with which they come into contact through the course of performing Services and/or providing Goods to the Library.

Section 22 - Severability

If any Section or Sections of this Policy or parts thereof are found by an adjudicator of competent jurisdiction to be invalid or beyond the power of the Board to enact, such Section or Sections or parts thereof shall be deemed to be severable and all other Sections or parts of the Policy shall be deemed to be separate and independent there-from and shall continue in full force and effect unless and until similarly found invalid or beyond the power of the Board to enact.

Section 23 - Policy Review

The CEO, Director or designate will review this Policy on an ongoing basis to review the effectiveness and integrity of the process and policy adherence at least once every five (5) years and report to the Board as necessary.

Section 24 - General

The title of this Policy is the "Procurement Policy".

The CEO and/or Director shall have all the necessary authority to administer this Policy and to carry out their duties on behalf of the Board.

Appendices

A. Exemptions to Procurement Policy

B. Procurement Mechanisms, Thresholds and Delegated Purchasing, Spending & Signing Authority

C. City of Niagara Falls Procurement Policy, effective date of March 15, 2025

Last Reformatted: May 21, 2025	Last Board Reviewed: May 21, 2025

Appendix A: Exemptions

Items listed below are exempt from the requirements of the Procurement Policy.

Any Contract necessary to complete the Purchase shall be executed by the appropriate Signing Officer as set out in Appendix B, up to the prescribed limits, provided that:

a) Contract has been prepared in a form satisfactory to legal services;
b) any financial securities and insurance required under the Contract are satisfactory to legal services; and
c) funding is available in the Budget.

1. Petty Cash

2. Training and Education
    - 2.1 Conferences, conventions, courses and seminars
    - 2.2 Magazines, books, periodicals
    - 2.3 Memberships
    - 2.4 Staff Development

3. Refundable Employees Expenses
    - 3.1 Advances
    - 3.2 Meal Allowances
    - 3.3 Travel and Entertainment
    - 3.4 Miscellaneous - non-travel

4. Employer's General Expenses
    - 4.1 Payroll Deductions Remittances
    - 4.2 Medical
    - 4.3 Licenses (i.e. Vehicle)
    - 4.4 Customs Brokerage Fees
    - 4.5 Debenture Payments
    - 4.6 Insurance Premiums
    - 4.7 Grants to Agencies
    - 4.8 Damage Claims
    - 4.9 Petty Cash Replenishment
    - 4.10 Tax Remittances
    - 4.11 Library charges to and from other government bodies
    - 4.12 Sinking Fund Payments
    - 4.13 Payment for employment (i.e. Contract employees)
    - 4.14 Employee Benefits
    - 4.15 Postage

5. Professional and Special Services
    - 5.1 Committee Fees
    - 5.2 Medical and Laboratory Services
    - 5.3 Fees for professional legal or related expert and witness services
    - 5.4 Integrity Commissioner
    - 5.5 Payments to Social Service and Health Agencies that are subject to Purchase of ServiceAgreements, such as childcare providers.
    - 5.6 Medical and Dental fees
    - 5.7 Funeral and Burial expenses

5.8 Appraiser Fees
5.9 Witness fees
5.10 Honoraria
5.11 Advertising
5.12 Specialized Professional Services approved by the CEO and Director

6. Ongoing maintenance and software licensing agreements for equipment such as computer hardware and software, telecommunications equipment, elevators, and HVAC equipment provided that the initial acquisition was the result of a competitive Bid Solicitation process.

7. Banking Services and Charges

8. Utilities Charges
    8.1 Water and Sewer
    8.2 Hydro
    8.3 Gas
    8.4 Communication Infrastructure Services such as Bell, Rogers, etc.
    8.5 Utility relocations
    8.6 Construction work completed by Railways and billed to the Corporation.

9. Real Property
    9.1 Acquisition or Disposal of Real Property including easements and right-of way through a rental, lease, purchase, or sale.

10. Resale Items

Appendix B: Procurement Mechanisms, Thresholds and Delegated Purchasing, Spending & Signing Authority

Procurement Mechanism	Total Estimated Procurement Value in CDN funds (excl. taxes)	Authority for Procurement and Procurement Process	Form of Contract	Authority to Award Contract
Low Value Purchases	Up to $10,000	Purchasing Authority/Delegate Direct purchase by Department. Ensure Best Value based on market conditions is obtained.	Payment by P-Card where practicable Purchase Order	Applicable Signing Officer as per the Budget Spending and Signing Authority Policy.
Request for Quotations – Informal	$10,000 up to $50,000	Purchasing Authority/Delegate Invitational process by Department. A minimum of three (3) written quotes obtained.	Purchase Order Reviewed by Legal if not Library's standard	Applicable Signing Officer as per the Budget Spending and Signing Authority Policy.
Request for Quotations – Formal	$50,000 up to $130,000	Purchasing Authority/Delegate Publicly posted through the City's online Bidding System in collaboration with the Procurement Department.	Purchase Order released by Procurement Agreement Executed by Legal	Applicable Signing Officer as per the Budget Spending and Signing Authority Policy.
Request for Tenders	$130,000 +	Purchasing Authority/Delegate Publicly posted through the City's online Bidding System in collaboration with the Procurement Department.	Purchase Order released by Procurement Agreement Executed by Legal	Applicable Signing Officer as per the Budget Spending and Signing Authority Policy.
Request for Proposals	$25,000 +	Purchasing Authority/Delegate Publicly posted through the City's online Bidding System in collaboration with the Procurement Department.	Purchase Order released by Procurement Agreement Executed by Legal	Applicable Signing Officer as per the Budget Spending and Signing Authority Policy.

Procurement Mechanism	Total Estimated Procurement Value in CDN funds (excl. taxes)	Authority for Procurement and Procurement Process	Form of Contract	Authority to Award Contract
Single or Sole Source Purchases	$10,000 up to $130,000	Purchasing Authority/Delegate Collaboration with the Procurement Department. Approvals required to initiate purchase*: i. Department Head ii. Division Head	Purchase Order released by Procurement Agreement Executed by Legal	Applicable Signing Officer as per the Budget Spending and Signing Authority Policy.
	$130,000 up to $250,000	iii. Plus CEO		
	$250,000 and greater	iv. Plus Resolution of Board		
Purchase by Negotiation	Any value	Purchasing Authority/Delegate Collaboration with the Procurement Department. Approvals required to initiate purchase*: i. Division Head ii. CEO	Purchase Order released by Procurement Agreement Executed by Legal	Applicable Signing Officer as per the Budget Spending and Signing Authority Policy.

Procurement Mechanism	Total Estimated Procurement Value in CDN funds (excl. taxes)	Authority for Procurement and Procurement Process	Form of Contract	Authority to Award Contract
Emergency Purchases	$50,000 and greater	Purchasing Authority/Delegate Collaboration with the Procurement Department, as required. Approvals as soon as practicable*: i. Division Head ii. CEO Reporting to Board required	Purchase Order released by Procurement Agreement Executed by Legal, as required.	Applicable Signing Officer as per the Budget Spending and Signing Authority Policy.
Unsolicited Proposals	Up to $130,000	Purchasing Authority/Delegate Collaboration with the Procurement Department, as required. Approvals required to initiate purchase*: i. Department Head ii. Division Head	Purchase Order released by Procurement Agreement Executed by Legal	Applicable Signing Officer as per the Budget Spending and Signing Authority Policy.
	$130,000 up to $250,000	iii. Plus CEO		
	$250,000 and greater	iv. Plus Resolution of Board		

* or designates