



# City of Sarnia Procurement

## Supplier Guide

This document gives suppliers a clear overview of the City's procurement policy, including the guidelines, processes, and expectations for participating in fair, transparent, and ethical procurement practices.

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## Summary

This document is designed to help suppliers understand the City's Procurement Policy. It explains the rules, steps, and expectations for working with the City to provide goods, services, and works. The goal is to make the procurement process clear, fair, and transparent, while encouraging competition and ethical practices when selecting suppliers. Suppliers should read the entire document to understand their responsibilities and ensure they meet legal and organizational requirements. By following the City's policy, suppliers will help create a smooth, effective, and sustainable process that supports the City's goals.

# Supplier Code of Conduct

The City expects its Suppliers to act honestly and ethically in all business dealings. The City may refuse to work with any Supplier involved in illegal or unethical bidding practices, conflicts of interest, or who fail to follow ethical standards.

Suppliers are responsible for making sure that their employees, agents, representatives, and/or subcontractors follow this Code of Conduct. If any individual or entity does not meet these standards, the City may ask for their immediate removal and replacement. If a Supplier is unwilling or unable to comply, the City may refuse to do business with them.

## A. Illegal or Unethical Bidding Practices

Illegal or unethical bidding practices include:

- a. bid-rigging, price-fixing, bribery or collusion, or any other practices prohibited by law;
- b. offering gifts or favours to the City's officers, employees, appointed or elected officials, or any other representative of the City;
- c. engaging in prohibited communications during a Procurement process;
- d. submitting false or misleading information during a Procurement process; and
- e. engaging in any other activity that compromises the City's ability to run a fair Procurement process.

The City 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.

## B. Conflicts of Interest

Suppliers must disclose any actual, potential, or perceived conflicts of interest. A conflict of interest includes situations where:

- a. A Supplier has an unfair advantage in the bidding process, such as access to confidential City information not available to others;
- b. A Supplier helped create the procurement document or received advice from someone who did;
- c. A Supplier tries to influence decision-makers in the procurement process;

- d. A Supplier's other commitments, relationships, or financial interests could affect its judgment or performance.
  - i. Where a Supplier is retained to participate in the development of a Solicitation Document or the specifications for inclusion in a Solicitation Document, that Supplier will not be allowed to respond, directly or indirectly, to that Solicitation Document.

## C. Ethical Business Practices

Suppliers must follow ethical business practices, including:

- a. Performing contracts professionally and in line with the contract terms;
- b. Complying with all relevant laws, including safety and labor regulations; and
- c. Ensuring workplaces are free from harassment and discrimination.

By following these guidelines, Suppliers help ensure a fair, transparent, and ethical procurement process.

# Methods of Procurement

The City of Sarnia uses a variety of procurement methods, in accordance with our Purchasing Policy, encouraging the competitive bid process. The bid process used is determined by our procurement thresholds, and include:

Procurement Threshold	Procurement Method	Procurement Type	Procurement Value
Low Value Procurement	Single Quote	Goods & Services	\$0 to \$24,999
		Construction	\$0 to \$49,999
Invitational Procurement	Minimum 3 Quotes	Goods & Services	\$25,000 to \$133,799
		Construction	\$50,000 to \$334,399
Open Competition Procurement	Formal Tender	Goods & Services	\$133,800 or Greater
		Construction	\$334,400 or Greater
Standing Offer Procurement	Blanket Purchase Order	All Procurement Types	Max. Amount as per Low Value Procurement
Non-Standard Procurement	Non-Standard Procurement Authorization Form	All Procurement Types	All values

Definitions of the procurement thresholds are as follows:

## Low Value Procurement

This applies to the procurement of goods or services with a value below the Low-Value Procurement Threshold, unless it's made through an existing Standing Offer or Qualified Supplier Roster.

**Procurement Process:** Departments can choose a Supplier at their discretion and request a formal quotation. The chosen Supplier will provide a written quote directly to the Department.

## Invitational Procurement

This is a competitive process where at least three Suppliers are invited to submit bids.

**Procurement Process:** Departments, in consultation with Procurement, will complete an Invitational Request for Quotation (RFQ) form and send it to at least three Suppliers. The form will detail the goods or services needed and how the successful Supplier will be chosen. The Department will review the responses and make a recommendation for the award.

## Open Competition Procurement

This involves soliciting bids through a publicly posted Solicitation Document.

**Procurement Process:** Bids are invited from all interested Suppliers via a public Solicitation Document posted on [bids&tenders](#). A link to the City's portal can be found through the City's website. Suppliers can create an account to receive notifications and bid on City of Sarnia opportunities.

The City may use various types of Open Competition Procurement, including:

- No-Negotiation Request for Proposal (RFP)
- Negotiation Request for Proposal (NRFP)
- Request for Quotation (RFQ)
- Request for Information (RFI)
- Request for Supplier Qualifications (RFSQ)

Each type of solicitation will include specific details such as:

- Schedule
- Deliverables
- Pricing structure
- Submission requirements
- Evaluation plan
- Contract term

## Standing Offer Procurement

A Standing Offer is a written agreement with a pre-approved Supplier to supply goods or services when needed, at a predetermined price, during a set period.

**Procurement Process:** Standing Offers are established through Open Competition Procurement. When an order is needed, the Department issues a Purchase Order referencing the Standing Offer, which includes pre-negotiated prices and terms.

## Non-Standard Procurement

This is when goods or services are acquired through a method other than the standard procurement process. Non-standard procurement methods include:

- a. Acquiring goods or services directly from a specific Supplier without competition.
- b. Soliciting bids from a limited number of Suppliers without a full open competition.

Non-standard procurements can happen for various reasons, such as:

- **Emergency Purchases:** When an unforeseeable situation threatens public health, safety, essential services, or the City's interests.
- **Sole Source Suppliers:** When only one Supplier is available to provide the needed goods or services.
- **Single Source Suppliers:** When the City chooses a specific Supplier, even though other options are available, due to factors like cost, quality, or specialized expertise.

## Emergency Purchases

An emergency arises when an unforeseen event threatens public health, safety, essential services, or the City's interests.

**Procurement Process:** The Department will gain approval for a Single Source Supplier according to the Procurement Policy, create an Emergency Purchase Order, and submit it to the Supplier.

## Sole Source Suppliers

A sole source Supplier is the only available provider for a specific good, service, or work, often due to uniqueness, specialized expertise, or exclusive rights.

**Procurement Process:** The Department completes a Non-Standard Procurement Authorization Form, detailing why there is no other source for the goods/services being purchased. The Form is reviewed by the Department Manager and the Procurement Supervisor. Once approved, the Supplier is added to the Sole Source Vendor list on the City's website.

## Single Source Suppliers

A single source Supplier is chosen for a specific good or service, even if alternatives exist, typically for reasons like cost-effectiveness, quality, availability, or specialized expertise that a particular supplier offers.

**Procurement Process:** The Department will gain approval to use a Single Source Supplier. For procurements over the Open Competition Threshold, A Notice of Award will be posted on Bids & Tenders, within 72 days of the purchase. A 2-week window will be available for suppliers to provide feedback to the Procurement Supervisor, regarding the procurement.



# Bidder Debriefing

The City of Sarnia offers a multi-step process to provide feedback to bidders who were not successful. This process aims to:

- a) Acknowledge the effort bidders put into responding to the City's solicitations;
- b) Help the bidder understand why their bid wasn't selected, in a constructive way; and
- c) Offer suggestions for improvement to help bidders succeed in future opportunities, ensuring the City has access to more qualified competitors.

## *Step 1 – Request a Debrief*

If a bidder wants to know why their bid wasn't chosen, they must contact the Procurement Department. To request a debrief, the bidder should email [purchasing@sarnia.ca](mailto:purchasing@sarnia.ca).

## *Step 2 – Debrief Letter*

Within 2 weeks of receiving the request, the Procurement Department will send a letter summarizing the evaluation results of the solicitation.

## *Step 3 – Debrief Meeting*

If the bidder is not satisfied with the information in the letter, they may request a formal debrief meeting. Procurement will arrange a meeting with the bidder, the evaluating Department, and Procurement. However, this meeting is not meant to challenge the decision or protest the award to another bidder. Any concerns about the procurement process should not be debated during the debriefing.

# Procurement Protest

If, after going through the debriefing process, a bidder believes the procurement process was unfair, biased, or violated procurement rules, they can file a Procurement Protest. Please note:

- a) Bidders must request and attend a debrief before starting a protest.
- b) The protest process cannot be used if the bidder has initiated legal proceedings against the City regarding the procurement.
- c) This process is separate from any dispute resolution under applicable trade agreements. If a supplier wants to dispute a matter under a trade agreement, they must follow that agreement's process, which may be different.

## *Procurement Protest Request*

A supplier must submit a written request for review within 60 days of being notified about the outcome of the procurement process. The protest will not be addressed until after the City has publicly posted or formally notified the outcome.

The request must be directed to Procurement Services and include:

- a) A clear statement of the procurement being challenged;
- b) A detailed explanation of the supplier's concerns, including specific reasons why they disagree with the procurement process or its outcome; and
- c) The supplier's contact information (name, phone number, email).

### *Response Timeline*

Procurement will review the protest, consulting with all relevant staff and reviewing documentation. The request will then be submitted to Legal Counsel. Procurement will arrange a meeting with Legal Counsel and the relevant Department Manager to consider the protest.

### *Outcome*

After the review, the City will respond to the supplier with one of the following outcomes:

- a) If the protest lacks merit, the City will explain its reasons and inform the supplier of the determination.
- b) If the protest has merit, the City will determine an appropriate resolution and may adjust its policies or practices to prevent similar issues in the future.

The response will be provided on a "without prejudice" basis.

If the supplier is not satisfied with the response, they may pursue other options, including challenges under applicable trade agreements or laws.

# Supplier Performance Evaluations

Supplier performance is key to the success of procurement projects. The City expects high standards; and poor workmanship, delays, or unsafe practices will not be tolerated. Supplier performance evaluations provide valuable feedback to help suppliers understand how they are meeting or not meeting the City's expectations regarding their goods or services.

At the beginning of the contract, the supplier will receive copies of the Interim and Final Performance Evaluation Reports, which will be used to assess and document their performance.

## *Interim Evaluation*

The Interim Performance Evaluation Report will be completed before the renewal or extension of the contract, if applicable, and may be conducted at any time during the contract term, based on the nature, complexity, value, and length of the contract. For multi-year contracts, at least one Interim Performance Evaluation should be done annually.

## *Final Evaluation*

A formal evaluation of the supplier's performance will take place upon the completion, expiration, or termination of the contract.

## *Incident Reports*

Any specific incidents of poor performance, especially those related to health and safety, should be recorded as soon as they occur or are discovered. Incident reports, email correspondence, or notes (physical or digital) can be used to document these issues. A copy of the incident report will be shared with the supplier, and where possible, their acknowledgment of the incident should be obtained.

## *Performance Issues*

If a supplier receives a "Below Standard" rating in any evaluation criteria, they must meet with City representatives (from the Department and Procurement) to discuss the performance issues. The meeting will aim to identify corrective actions and agree on how to prevent future issues, with a specified time to implement the improvements.

After the meeting, Procurement will confirm the details in writing and attach a record of the meeting to the supplier's file. If performance issues are not corrected or recur, Legal Services may be consulted for further steps.

# Supplier Suspensions

To ensure the City receives quality deliverables and value for public funds, and deals with suppliers who conduct business professionally and ethically, the City may suspend suppliers from participating in its procurement processes for a set time period.

A decision to suspend a supplier is serious and must be supported by evidence and valid reasons, as outlined below. Suppliers are responsible for the actions of their employees, representatives, agents, or subcontractors.

## Reasons for Suspension

### *Crimes or Offences*

If a supplier is convicted of serious crimes, such as bid-rigging, price-fixing, fraud, or other serious offenses, the City may suspend that supplier from future procurement processes.

### *False Declarations*

If a supplier provides false or misleading information in its bids or fails to disclose a conflict of interest during the procurement process or contract performance, the City may suspend the supplier.

### *Poor Performance*

If a supplier's performance is inadequate, the City may suspend them under the following conditions:

- a) Significant or persistent deficiencies in performance.
- b) Contract terminated early due to performance issues.
- c) Unresolved performance issues leading to additional costs to the City.
- d) Defective or deficient deliverables that weren't corrected or required multiple repairs.
- e) Litigation against the supplier for performance or non-performance issues.
- f) Suspension recommended by the Supplier Performance Evaluation Protocol.

### *Professional Misconduct or Lack of Commercial Integrity*

A supplier may be suspended for unethical behavior or conduct that damages their commercial integrity. Examples include:

- a) Offering favours/gifts or engaging in prohibited communication with Council and/or City Staff during the procurement process;
- b) Failing to perform contracts professionally and in compliance with laws and safety codes; and

- c) Bringing frivolous or unreasonable claims against the City's procurement processes or staff.

## Notification of Suspension and Opportunity to Respond

If the City decides to suspend a supplier, the Procurement Supervisor will notify them with a Suspension Recommendation Report that explains the reasons for the suspension. The supplier will have ten business days to respond in writing to the recommendation.

The notification will include:

- a) The length and scope of the suspension;
- b) Detailed reasons for the suspension, including supporting documents; and
- c) The supplier's right to apply for reinstatement and the process for requesting it.

## Application for Reinstatement

A suspended supplier can apply for reinstatement after half of the suspension period has passed. For example, if the suspension lasts two years, the supplier can apply for reinstatement after one year.

To apply, the supplier must submit a written case with supporting documents explaining why the reason for the suspension no longer poses a risk. The City will review the application and decide if the supplier can safely participate in procurement processes again.

The supplier will be notified in writing about the final decision regarding reinstatement

## Suspended Suppliers List

Procurement will keep a current list of all suspended suppliers, which will include:

The name of the supplier (or individual, if applicable);

- a) The names of the supplier's directors and officers (if applicable);
- b) The reasons for the suspension;
- c) The scope of the suspension (e.g., blanket or specific deliverables); and
- d) The length and expiration date of the suspension period.

This list will be kept internally for reference.