Council Direction:
Council has directed staff to report on the use of Sections 4.10 and 4.11 of the Purchasing Policy on a quarterly basis.

Information:
This report is issued quarterly in accordance with the Purchasing Policy. This report details the procurement of goods and/or services during emergency situations and those detailed in Items (a) through (f) of Section 4.11 – Negotiations for the first quarter 2010.

The Policy for Negotiations is used in narrowly defined circumstances where it is justified that the policies for the general acquisition process could not be followed. The “Request to Use the Negotiation Policy/Emergency Reporting Form” is completed by the Client Department and signed by the departmental Director or General Manager and is then forwarded to the Manager of Purchasing for approval. These forms are kept on file in Purchasing and are available for viewing by Members of Council upon request to the Manager of Purchasing. The Purchasing Section reviews each request to ensure that fair and ethical practices are utilized when goods/services are acquired using Policies 10 and 11.

During the first quarter of 2010, there were 205 purchase orders issued where Policy 10 and 11 were used, totalling $8,486,258. The purchase orders are summarized in Appendix ‘A’ to report FCS10031.
The breakdown is as follows:

- Four purchase orders totalling $601,996 were issued for “Expanded Works”. When an unexpected problem arose, this extra work did not expand the scope of the project but was necessary in order to deliver the original approved work. The following purchase orders represent approximately 89 percent of the total spent for this category:
  
  o Purchase order 46369 for $240,000 was issued to Dufferin Construction Company to remove the old culvert/bridge and replace it with a new structure. In order to complete the work on site, the contractor had to deal with unforeseen rock, excessive volumes of water and dewatering restrictions from the Halton Conservation Authority, which resulted in a change to the methodology to complete the work.
  
  o Purchase order 45902 for $297,511 was issued to Network Site Services Ltd., to service the Ancaster Industrial Park Phase 5 industrial subdivision. During the course of the grading works large quantity of unsuitable/organic soils was discovered. This required removal and replacement with compacted clean fill. Site conditions also necessitated additional grading work.

- 20 purchase orders totalling $1,451,723 represents the short-term “Extensions” of current contracts which have expired and unforeseeable circumstances have caused a delay in issuing a new Tender or Proposal document. The following purchase order represents approximately 34 percent of the total spent for this category:
  
  o Purchase order 46751 to L M Enterprises for $500,000 was issued to extend the current Inspection Contract. Due to staffing constraints additional time was needed to prepare tender documents for the next contract. An extension on the existing contract was required to continue the sewer lateral – public portion repairs and replacements.

- One purchase order totalling $105,000 was issued under Policy 11, as a “Bids Received, Exceeded Budgeted or Estimated Costs” purchase. The use of this Policy allowed the department to negotiate changes, with the lowest compliant bidder, to the scope of services in order to bring the cost within the approved budget.

- 15 purchase orders totalling $611,230 were issued under Policy 10, as “Emergency” purchases.
91 purchase orders totalling $3,010,686 were identified as “Single Source” purchases whereby a particular vendor was recommended because it was more cost-effective or beneficial to the City. The following purchase orders represent the largest dollar amount in this category:

- Purchase order 51747 for $159,530 was issued to Hatch Mott Macdonald to continue to provide engineering services to support the final implementation of the Waterdown WWPS. The project schedule has increased by 6 months. Hatch Mott Macdonald was already administering the contract that provided the required services.

- Purchase order 51693 for $175,500 was issued to V2PM to provide project management services for the construction phase of the North Wentworth Arena, Flamborough. V2PM initiated the project and have valuable background knowledge and familiarization with the project team and client group and will be retained throughout the construction process.

- Purchase order 51819 for $181,440 was issued to Canadian Urban Institute to identify development opportunities at stations, economic trends and indicators, and development partnerships related to City lands. Canadian Urban Institute was retained due to their past involvement with corporate priority setting, value planning and ability to deliver the required outputs to meet Rapid Transit timelines.

71 purchase orders totalling $2,587,673 were “Sole Source” purchases, where it was deemed that there was only one source of supply in the open market. The following purchase orders represent the largest dollar amount in this category:

- Purchase order 51873 for $140,000 was issued to Compression Technology Corporation. Recreation has been converting propane driven ice resurfacing machines to natural gas. Compression Technology Corporation is the authorized distributor for the ‘Fuel Maker’ system in this area.

- Purchase order 52643 for $215,700 was issued to Hydro One to relocate their plant at North Glanbrook Industrial Park, Phase 1. Hydro One is the only vendor permitted to relocate their plant.

There were three instances where departments utilized the Negotiation Policy without receiving the proper approvals as required by the Purchasing Policy. The departments were instructed on the proper procedure to be followed in the future. The value of goods and services procured in these instances was $117,950.
In addition to the Policy 10 and 11 approvals reported in the first quarter of 2010, Committee and Council are advised that two instances in which a Policy 10 and 11 were used in the fourth quarter of 2009 that were inadvertently excluded from report (FCS09045(c)):

- Policy 10 - Emergency Purchasing: Purchase order 51114 for $400,000 was issued to Platinum Care Services Ltd., to provide nurses to assist the pH1N1 immunization clinics.

- Policy 11 - Negotiations: Purchase order 51666 for $11,735 was issued to Canadian Council on Social Development. The vendor is the only organization that has the required data.

Requests for Quotations, Tenders and Proposals are issued to encourage the competitive bidding process with objective and equitable treatment of all vendors, in accordance with the Purchasing Policy approved by Council. Council approved Section 4.11 – Negotiations, a policy designed to ensure a fair and equitable treatment of vendors where the competitive process is restricted.
## 1st Quarter Status Report on Use of Policy 10 - Emergency Purchasing and Policy 11 - Negotiations

### City Manager

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## 1st Quarter Status Report on

### Use of Policy 10 - Emergency Purchasing and Policy 11 - Negotiations

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### Public Works - Capital Planning and Implementation

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1st Quarter Status Report on
Use of Policy 10 - Emergency Purchasing and Policy 11 - Negotiations

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## 1st Quarter Status Report on Use of Policy 10 - Emergency Purchasing and Policy 11 - Negotiations

### Appendix A to Report FCS10031 - Page 6 of 6

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