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CHAPTER 195, PROCUREMENT

Chapter 195

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**[History: Adopted by City of Toronto Council on 2016-10-7 by By-law 960-2016¹.
Amendments noted where applicable.]**

[Amended 2024-03-22 by By-law 236-2024²; 2024-07-25 by By-law 824-2024]

General References

City of Toronto Act, 2006 - See S.O. 2006, c. 11.

Municipal Freedom of Information and Protection of Privacy Act, 1990 - See R.S.O. 1990, c. M.56.

ARTICLE 1

Purpose

§ 195-1.1. Purpose.

The purpose of this Chapter is to:

- A. Protect the interests of the City, the public and persons participating in the procurement process by providing a clear statement of how goods and services will be acquired;
- B. Maintain the integrity of the procurement process by ensuring that, whenever possible, competitive methods of procurement will be used to obtain the best value for the City;
- C. Clearly define circumstances in which non-competitive procurements may be awarded;
- D. Ensure that procurement is conducted in a manner that enables the divisions of the City to operate efficiently and effectively;
- E. Clearly define the roles and responsibilities of those persons involved in the procurement process;
- F. Outline the process for co-operative purchasing and disposing of surplus goods; and
- G. Establish a Supplier Code of Conduct and City employee ethical procurement standards.

ARTICLE 2

Interpretation

§ 195-2.1. Definitions.

[Amended 2025-02-11 by By-law 104-2025; 2025-07-24 by By-law 766-2025]

As used in this Chapter, the following terms shall have the meanings indicated:

¹ Editor's Note: By-law 960-2016 repealed and replaced Chapter 195, Purchasing, in its entirety. By-law 960-2016 and this new Chapter came into effect January 1, 2017.

² Editor's Note: By-law 236-2024 came into force on July 1, 2024.

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ACCOUNTABILITY OFFICER - The Auditor General, Integrity Commissioner, Lobbyist Registrar or Ombudsman appointed by Council under Part V, Accountability and Transparency, of the City of Toronto Act, 2006. **[Amended 2024-03-22 by By-law 236-2024³]**

AFFILIATED PERSON - Everyone related to the supplier including, but not limited to employees, agents, representatives, organizations, bodies corporate, societies, companies, firms, partnerships, associations of persons, parent companies, and subsidiaries, whether partly or wholly-owned, as well as individuals, and directors, if:

- A. Directly or indirectly either one controls or has the power to control the other, or
- B. A third party has the power to control both.

AWARD - The formal authorization to proceed with the purchase of goods or services or both from a supplier who has been selected in accordance with this Chapter. **[Amended 2024-03-22 by By-law 236-2024⁴]**

BEST AND FINAL OFFER (BAFO) – A process that may be used in a Negotiated Request for Proposals to allow Suppliers to provide a final offer that contains the Supplier’s most favourable terms regarding, without limitation, price, services, and products to be delivered. **[Added 2024-03-22 by By-law 236-2024⁵]**

BEST VALUE - The optimal balance of performance and cost determined in accordance with pre-determined evaluation criteria disclosed in a solicitation for the purpose of making an award. For competitive procurements best value is represented by the highest ranked bid, which may include, for request for proposals the highest scoring bid, and for request for tenders and request for quotations, the lowest cost bid meeting technical specifications and supplier qualifications. **[Amended 2024-03-22 by By-law 236-2024⁶]**

BID - A submission in response to a solicitation, and includes a tender, a quotation or a proposal.

BUYING GROUP - A group of two or more members that combines the purchasing requirements and activities of the members of the group into one joint procurement process.

CITY SOLICITOR – The person with full charge and control for the conduct of the Legal Services Division of the City.

³ Editor’s Note: By-law 236-2024 came into force on July1, 2024.

⁴ Editor’s Note: By-law 236-2024 came into force on July1, 2024.

⁵ Editor’s Note: By-law 236-2024 came into force on July1, 2024.

⁶ Editor’s Note: By-law 236-2024 came into force on July1, 2024.

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CHIEF PROCUREMENT OFFICER - The person delegated to undertake the responsibilities of the chief procurement officer of the City. [Amended 2018-03-27 by By-law 271-2018⁷; amended 2020-10-02 by By-law 804-2020⁸]

CLOUD SERVICES – Any engagement which will entail third party storage, access or processing of City data or technology systems, or the City data or technology system will reside in the custody, care and control of a third party. These services are typically delivered to the City through the internet. [Added 2024-03-22 by By-law 236-2024⁹]

COMPETITIVE PROCUREMENT - A solicitation where suppliers are given an equal opportunity to bid, whether by invitation or by advertisement to the public, and which may include a process for conducting negotiations with one or more suppliers.

CONFLICT OF INTEREST or UNFAIR ADVANTAGE:

- A. In relation to a procurement process, a supplier that has, or is seen to have, an unfair advantage or engages in conduct, directly or indirectly, that may give it an unfair advantage, including but not limited to:
- (1) Having, or having access to, confidential information of the City in the preparation of its bid that is not available to other suppliers, or
 - (2) Communicating with any person with a view to influencing preferred treatment in the procurement process (including but not limited to the lobbying of decision makers involved in the procurement process), or
 - (3) Engaging in conduct that compromises, or could be seen to compromise, the integrity of the procurement process; or
- B. In relation to the performance of the contract that is the subject of a procurement, that the supplier's other commitments, relationships or financial interests:
- (1) Could, or could be seen to, exercise an improper influence over the objective, unbiased and impartial exercise of its independent judgement, or
 - (2) Could, or could be seen to, compromise, impair or be incompatible with the effective performance of its contractual obligations.

CONSTRUCTION SERVICE - A service that has as its objective the realization of civil or building works.

⁷ Editor's Note: By-law 271-2018 changed the title "Chief Purchasing Official" to "Chief Purchasing Officer" in the definition and in every reference in this Chapter.

⁸ Editor's Note: By-law 804-2020 changed the title "Chief Purchasing Officer" to "Chief Procurement Officer" in the definition and in every reference in this Chapter.

⁹ Editor's Note: By-law 236-2024 came into force on July 1, 2024.

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CONTRACT - An agreement between the City and a supplier for the procurement of goods and services.

CO-OPERATIVE PURCHASING - A competitive procurement that is conducted by one public body or buying group on behalf of one or more public bodies in order to obtain the benefits of volume purchases and administrative efficiency. **[Amended 2024-03-22 by By-law 236-2024¹⁰]**

DIVISION - A division of the City established under the authority of Council.

DIVISION HEAD - The City official directly responsible for any division.

ELECTRONIC TENDERING SYSTEM - A computer-based system that provides suppliers with access to information related to open competitive procurements.

EMERGENCY - Any situation of extreme urgency brought about by unforeseeable events that makes the procurement of goods and services necessary to address an immediate risk to health, safety, security, property, the environment or other public interests of the City.

EVALUATION CRITERIA - The criteria set out in a notice of intended procurement or solicitation which may include but are not limited to supplier qualifications, price and other cost or value factors, quality, technical merit, environmental characteristics, and negotiable commercial terms such as terms of delivery. **[Amended 2024-03-22 by By-law 236-2024¹¹]**

FORM OF CONTRACT - A formal written document or documents, including a purchase order, that outlines all the terms and conditions of a contract.

FUNDING APPROVAL – **[Amended 2024-03-22 by By-law 236-2024¹²]**

A. In relation to a capital project as defined in Chapter 71, Financial Control:

Inclusion of the capital project in a capital budget approved by Council and where the Chief Financial Officer and Treasurer provides written confirmation that they are satisfied that:

- (1) The entire capital expenditure for the capital project is identified in the budget at an appropriate capital project or subproject level; and
- (2) The capital project's cash flow funding is available in an appropriate account.

B. In relation to any project other than a capital project:

- (1) Funding approval of the relevant operating program by Council adoption of interim or final operating budgets and where the Chief Financial Officer and

¹⁰ Editor's Note: By-law 236-2024 came into force on July1, 2024.

¹¹ Editor's Note: By-law 236-2024 came into force on July1, 2024.

¹² Editor's Note: By-law 236-2024 came into force on July1, 2024.

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Treasurer provides written confirmation that they are satisfied that the funding of the contract, or the first year of a multi-year contract, is available in an appropriate account; or

(2) In a situation where Council has not yet adopted an interim or final operating budget:

- (a) The written confirmation of a division head that the contract is in respect of necessary current and ongoing division operations and that the subject matter of the contract was contained in a program that had funding approval in the prior year; and
- (b) The written confirmation of the Chief Financial Officer and Treasurer that the funding of the contract can be undertaken to their satisfaction.

GOODS – All moveable, tangible, and intangible properties (including the costs of installing, operating, maintaining, manufacturing, or disposing of such properties), which includes raw materials, products, data, equipment, software and software licenses, and other physical and non-physical objects of every kind and description whether in solid, liquid, gaseous or electronic form, unless they are procured as part of a general construction service contract. **[Amended 2024-03-22 by By-law 236-2024¹³]**

INELIGIBLE SUPPLIER - A supplier that has been convicted of charges as described in § 195-13.5.

LIMITED SOLICITATION - A competitive or non-competitive solicitation method where one or more suppliers of the City's choice are invited and given an equal opportunity to bid on the solicitation. **[Amended 2024-03-22 by By-law 236-2024¹⁴]**

MAJOR IRREGULARITY - A deviation from the requirements in a solicitation which: **[Amended 2024-03-22 by By-law 236-2024¹⁵]**

- A. Affects the substance, as opposed to the form, of a bid in terms of the price, quality, quantity or delivery and is material to the award; or
- B. Could provide a supplier who has submitted a request with an unfair advantage over competitors; and
- C. May include, but is not limited to, a late bid, unclear or materially unbalanced pricing information, inadequate amount or terms of bid security, and any other matter identified as materially warranting rejection in the solicitation issued by the City.

¹³ Editor's Note: By-law 236-2024 came into force on July1, 2024.

¹⁴ Editor's Note: By-law 236-2024 came into force on July1, 2024.

¹⁵ Editor's Note: By-law 236-2024 came into force on July1, 2024.

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MINOR IRREGULARITY - A deviation from the requirements in a solicitation which:
[Amended 2024-03-22 by By-law 236-2024¹⁶]A. Affects the form as opposed to the substance of a bid in terms of the price, quality, quantity or delivery and is not material to the award; and

B. Could not provide a supplier who has submitted a bid with an unfair advantage over competitors; and

C. Any other matter identified as being subject to clarification or rectification in the solicitation issued by the City.

MULTI-USE LIST - A list of suppliers that the City has determined satisfy the conditions for participation in that list, and that the City intends to use more than once for selective solicitations.

NEGOTIATED REQUEST FOR PROPOSALS (nRFP) – A solicitation issued to obtain bids where a procurement need is identified, but how it will be achieved may be unknown at the outset, which allows suppliers to propose solutions or delivery methods to arrive at the desired result. This procurement process may allow for consecutive or concurrent negotiations to be conducted with suppliers on any of the contract terms including, but not limited to, the technical specifications, commercial terms and prices following the process outlined in the solicitation. An nRFP may or may not include a best and final offer process. **[Added 2024-03-22 by By-law 236-2024¹⁷]**

NON-COMPETITIVE PROCUREMENT - A procurement negotiated directly from one or more suppliers, but does not include negotiations provided for under the terms of a competitive solicitation.

NOTICE OF INTENDED PROCUREMENT (NOIP) - A written notice published by the City at the beginning of a competitive procurement, inviting interested suppliers to bid. **[Amended 2024-03-22 by By-law 236-2024¹⁸]**

OPEN COMPETITIVE PROCUREMENT - A competitive solicitation method, where a notice of intended procurement is advertised to the public, giving all suppliers an equal opportunity to bid on the solicitation and prove their qualifications. **[Amended 2024-03-22 by By-law 236-2024¹⁹]**

PRE-QUALIFIED SUPPLIER - A supplier who has submitted a response to an advertised request for supplier qualifications and has been determined to have met the minimum disclosed

¹⁶ Editor's Note: By-law 236-2024 came into force on July1, 2024.

¹⁷ Editor's Note: By-law 236-2024 came into force on July1, 2024.

¹⁸ Editor's Note: By-law 236-2024 came into force on July1, 2024.

¹⁹ Editor's Note: By-law 236-2024 came into force on July1, 2024.

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standards. Pre-qualified suppliers may be invited to bid on specific future solicitations for which they have been pre-qualified. **[Amended 2024-03-22 by By-law 236-2024²⁰]**

PROCUREMENT - The acquisition of goods or services or both by any contractual means, including purchase, rental, lease or conditional sale. **[Amended 2024-03-22 by By-law 236-2024²¹]**

PROCUREMENT PROCESS – A process related to the acquisition of goods or services or both that begins after the City has decided on its requirement and continues through to and including award and contract execution. **[Amended 2024-03-22 by By-law 236-2024²²]**

PROCUREMENT POLICIES – The written policies that are intended to implement this Chapter. **[Amended 2024-06-27 by By-law 710-2024²³]**

PROCUREMENT PROCEDURES - The written procedures supporting the application of this Chapter and the procurement policies, as approved by the Chief Procurement Officer in accordance with this Chapter.

PROJECT LEAD - The employee in a division that has been assigned the responsibility by the division head for the procurement of goods or services or both and the management of the resulting contract with a supplier. **[Amended 2024-03-22 by By-law 236-2024²⁴]**

PUBLIC BODY - Any government or government agency, municipality or local board, commission or non-profit corporation carrying out a public function, and includes any corporation of which the City is a shareholder.

PUBLIC OFFICE HOLDER - Has the meaning provided in section 156 of the City of Toronto Act, 2006, and includes: **[Amended 2024-03-22 by By-law 236-2024²⁵]**

- A. A member of Council and any person on their staff;
- B. An officer or employee of the City;
- C. A member of a local board (restricted definition) of the City and any person on their staff;
- D. An officer, director or employee of a local board (restricted definition) of the City; and
- E. Such other persons as may be determined by Council who are appointed to any office or body by Council or by a local board (restricted definition) of the City.

²⁰ Editor's Note: By-law 236-2024 came into force on July1, 2024.

²¹ Editor's Note: By-law 236-2024 came into force on July1, 2024.

²² Editor's Note: By-law 236-2024 came into force on July1, 2024.

²³ Editor's Notes: By-law 710-2024 came into effect July 1, 2024.

²⁴ Editor's Note: By-law 236-2024 came into force on July1, 2024.

²⁵ Editor's Note: By-law 236-2024 came into force on July1, 2024.

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PURCHASE ORDER - A document issued to a supplier under the authority of the Chief Procurement Officer that sets out the terms and conditions applicable to the supply of goods and services by a supplier, including reference to any other contract documents and the contract value.

REQUEST FOR EXPRESSION OF INTEREST (REOI) - A solicitation used to gather information on future supplier interest in an opportunity or information on supplier capabilities or qualifications for the purpose of better planning the supplier qualification requirements of a future solicitation that may result in an award. A response to an REOI will not pre-qualify any potential supplier and will not result in an award. **[Amended 2024-03-22 by By-law 236-2024²⁶]**

REQUEST FOR INFORMATION (RFI) - A solicitation used to gather general supplier, service or product information. It is a solicitation whereby suppliers are provided with a general or preliminary description of a problem or need and are requested to provide information or advice about how to better define the problem or need, or alternative solutions and costs, for the purpose of better planning the technical specification requirements of a future solicitation that may result in an award. A response to an RFI will not pre-qualify any potential supplier and will not result in an award. **[Amended 2024-03-22 by By-law 236-2024²⁷]**

REQUEST FOR PROPOSALS (RFP) - A solicitation issued to obtain bids or proposals where a procurement need is identified, but how it will be achieved is unknown at the outset, which allows suppliers to propose solutions to arrive at the desired result. **[Amended 2024-03-22 by By-law 236-2024²⁸]**

REQUEST FOR QUOTATIONS (RFQ) - A solicitation issued in order to obtain irrevocable bids for standard goods or services or both goods and services where the City has pre-determined the required quantity or quality or both quantity and quality of the goods or services. **[Amended 2024-03-22 by By-law 236-2024²⁹]**

REQUEST FOR SUPPLIER QUALIFICATIONS (RFSQ) - A solicitation that is issued to gather information on supplier capabilities and qualifications with the intention of creating a list of pre-qualified suppliers for future selective solicitations, including: **[Amended 2024-03-22 by By-law 236-2024³⁰]**

- A. A one-time future solicitation; or
- B. A multi-use list for solicitations of a predefined scope and duration.

REQUEST FOR TENDERS (RFT) - A solicitation that is generally issued in order to obtain irrevocable bids for standard construction services where the City has pre-determined the

²⁶ Editor's Note: By-law 236-2024 came into force on July1, 2024.

²⁷ Editor's Note: By-law 236-2024 came into force on July1, 2024.

²⁸ Editor's Note: By-law 236-2024 came into force on July1, 2024.

²⁹ Editor's Note: By-law 236-2024 came into force on July1, 2024.

³⁰ Editor's Note: By-law 236-2024 came into force on July1, 2024.

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required scope of work including quantity or quality requirements or both quantity and quality requirements. **[Amended 2024-03-22 by By-law 236-2024³¹]**

SANCTIONS - Economic or financial sanctions or trade embargoes imposed, administered or enforced from time to time by the Federal Government of Canada. **[Added 2022-04-07 by By-law 321-2022]**

SELECTIVE SOLICITATION - An open competitive solicitation method where suppliers are first prequalified through a request for supplier qualifications and then only pre-qualified suppliers are invited to bid. **[Amended 2024-03-22 by By-law 236-2024³²]**

SERVICES - All services, including professional, consulting, maintenance, construction services or cloud services, unless otherwise specified. **[Amended 2024-03-22 by By-law 236-2024³³]**

SOLICITATION - A written notice to suppliers, whether or not it is publicly advertised or intended to result in a contract, and includes a: **[Amended 2024-03-22 by By-law 236-2024³⁴]**

- A. Request for expression of interest (REOI);
- B. Request for information (RFI);
- C. Request for supplier qualifications (RFSQ);
- D. Request for proposals (RFP);
- E. Request for quotations (RFQ);
- F. Request for tenders (RFT); and
- G. Negotiated request for proposals (nRFP).

SUPPLIER - A person or group of persons that provides or could provide goods or services.

SUPPLIER DEBRIEFING - A practice of informing a supplier why their bid was not selected upon completion of the contract award process.

SUPPLIER PERFORMANCE EVALUATION - A contract management process used to evaluate the performance of suppliers on City contracts and inform future procurements in accordance with relevant procurement procedures, and includes the following forms: **[Added 2025-07-24 by By-law 766-2025]**

³¹ Editor's Note: By-law 236-2024 came into force on July1, 2024.

³² Editor's Note: By-law 236-2024 came into force on July1, 2024.

³³ Editor's Note: By-law 236-2024 came into force on July1, 2024.

³⁴ Editor's Note: By-law 236-2024 came into force on July1, 2024.

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- A. Contractor Performance Evaluation (CPE);
- B. Professional Services Performance Evaluation (PSPE); and
- C. Management Consultant Performance Evaluation (MCPE).

SUSPENDED SUPPLIER - A supplier that has been suspended, deemed ineligible, prohibited or disqualified for non-compliance with the Supplier Code of Conduct for any duration from bidding on future procurements under § 195-13.14. **[Amended 2024-03-22 by By-law 236-2024³⁵]**

TECHNICAL SPECIFICATION – A procurement requirement that: **[Amended 2024-03-22 by By-law 236-2024³⁶]**

- A. Lays down the characteristics of a good or a service to be procured, including quality, performance, safety and dimensions, or the processes and methods for their production or provision; or
- B. Addresses terminology, symbols, packaging, marking or labelling requirements, as they apply to a good or a service.

VALUE or PROCUREMENT VALUE - The estimated maximum total value of the procurement over its entire duration, including option periods, which takes into account all forms of remuneration, including: **[Amended 2024-03-22 by By-law 236-2024³⁷]**

- A. Premiums, fees, commissions and interest; and
- B. Where there is a possibility of optional goods or services or both, the total value of such options

§ 195-2.2. Monetary references.

All references in this Chapter to dollar amounts are to Canadian dollars and shall be exclusive of taxes unless otherwise provided.

§ 195-2.3. Application - general.

[Amended 2024-03-22 by By-law 236-2024³⁸]

³⁵ Editor's Note: By-law 236-2024 came into force on July1, 2024.

³⁶ Editor's Note: By-law 236-2024 came into force on July1, 2024.

³⁷ Editor's Note: By-law 236-2024 came into force on July1, 2024.

³⁸ Editor's Note: By-law 236-2024 came into force on July1, 2024.

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All goods and services required by the City shall be acquired and disposed of in accordance with the provisions of this Chapter, the procurement policies and the procurement procedures.

§ 195-2.4. Application to Accountability Officers.

This Chapter also applies to Accountability Officers, with such modifications as are necessary for them to carry out their independent statutory functions under Part V, Accountability and Transparency, of the City of Toronto Act, 2006 and Chapter 3, Accountability Officers.

§ 195-2.5. Exemptions.

[Amended 2024-03-22 by By-law 236-2024³⁹]

This Chapter does not apply to:

- A. The acquisition or rental of land, existing buildings or other immovable property or other related real estate rights;
- B. City employment contracts;
- C. Any form of assistance that the City provides, including co-operative agreements, grants, loans, equity infusions, guarantees and fiscal incentives;
- D. Procurement between the City and another public body;
- E. Procurement by the City on behalf of another person where the procurement would not be covered by this Chapter if it were conducted by the other person itself;
- F. The procurement or acquisition of services related to the sale, redemption and distribution of the City's public debt or contracts relating to the issue, purchase, sale or transfer of securities or other financial instruments; or
- G. Those other items listed in Schedule A of Chapter 71, Financial Control.

³⁹ Editor's Note: By-law 236-2024 came into force on July1, 2024.

ARTICLE 3
Responsibilities of Chief Procurement Officer

§ 195-3.1. General duties and responsibilities.

[Amended 2024-03-22 by By-law 236-2024⁴⁰]

The Chief Procurement Officer shall have the authority and responsibility, subject to Council policies, for the following:

- A. Approving and prescribing procurement policies and procurement procedures not specifically provided for in this Chapter, in consultation with division heads and the City Solicitor;
- B. Coordinating procurement processes and solicitations on behalf of the City, except for:
 - (1) Competitive procurements valued up to \$120,000 undertaken by divisions in compliance with procurement policies and procedures;
 - (2) Non-competitive procurements valued up to \$50,000 undertaken by divisions in compliance with procurement policies and procedures;
 - (3) Non-competitive procurements in an emergency that would not reasonably permit a competitive procurement;
 - (4) Procurements undertaken by an Accountability Officer for the purpose of carrying out their independent statutory functions in confidence; or
 - (5) Those goods and services listed in Schedule A of Chapter 71, Financial Control.
- C. Determining the appropriate procurement process by which all goods and services shall be procured on behalf of the City;
- D. Establishing templates for common or repetitive solicitations;
- E. Administering solicitations, up to finalization of a contract, including:
 - (1) Receipt, custody and security of all bids and specified evaluation documentation;
 - (2) Rejecting bids made by ineligible and suspended suppliers, or that are otherwise in contravention of this Chapter or Council policy regarding supplier eligibility and conduct;

⁴⁰ Editor's Note: By-law 236-2024 came into force on July1, 2024.

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- (3) Assessing compliance with mandatory requirements by determining whether irregularities are major or minor and rejecting bids with major irregularities;
 - (4) Overseeing the evaluation of bids;
 - (5) Communicating with suppliers after issuance of a solicitation up to the finalization of an award;
 - (6) Otherwise managing the remainder of the procurement process through to award and final contract execution or purchase order issuance;
 - (7) Identifying the value for which notices of intended procurement are required to be posted on the City's Electronic Tendering System;
 - (8) Determining what other notices (if any) need to be advertised and to whom;
- F. Overseeing the disposition of goods which have been declared surplus by the relevant division head;
 - G. Developing co-operative purchasing plans with other public bodies;
 - H. Compiling and maintaining a collection of all policies adopted by Council from time to time affecting the procurement process;
 - I. Providing information to suppliers in relation to this Chapter, procurement policies, procurement procedures and related templates, tools, systems and practices;
 - J. Providing appropriate and relevant training for any division staff responsible for or involved in the procurement process;
 - K. Providing professional advice and guidance on the procurement process, including strategic advice in relation to planning an appropriate procurement process and developing rated or other relevant evaluation criteria or related supplier performance and contract implementation;
 - L. Reserved.⁴¹
 - M. Reserved.⁴²
 - N. Reporting on, along with the division head that initiated the solicitation, all awards not subject to approval by the Chief Procurement Officer to the appropriate Standing Committee; **[Amended 2025-07-24 by By-law 766-2025]**

⁴¹ Editor's Note: By-law 766-2025, enacted on July 24, 2025, deleted§ 195-3.1(L) in its entirety.

⁴² Editor's Note: By-law 766-2025, enacted on July 24, 2025, deleted§ 195-3.1(M) in its entirety.

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- O. Reporting to suppliers and the public on the award of procurements valued over \$133,800, including any essential information as may be prescribed;
- P. Maintaining and publishing a list of ineligible and suspended suppliers;
- Q. Generally monitoring, supervising and reporting to the appropriate Standing Committee, as required, on the procurement process;
- R. Undertaking a comprehensive review of this Chapter and all policies affecting the procurement process every five (5) years;
- S. Delegating to any or all division heads any aspect of the procurement process as the Chief Procurement Officer may deem reasonable; and
- T. Appointing the appropriate delegates for the application of this Chapter, procurement policies and procurement procedures.

ARTICLE 4
Responsibilities of Divisions

§ 195-4.1. Division head responsibilities.

[Amended 2024-03-22 by By-law 236-2024⁴³]

Division heads or their delegate(s) shall be responsible for:

- A. Ensuring division staff involved in procurement receive appropriate training;
- B. Advising the Chief Procurement Officer of divisional procurement plans and specific upcoming procurements and allowing sufficient time to complete the procurement as may be stipulated in the procurement policies or procurement procedures;
- C. Participating in the development of template specifications, quality requirements, scope of work and other requirements including contract documentation for routine procurements conducted by their division;
- D. Ensuring that competitive procurements including limited solicitations valued up to \$120,000 and non-competitive procurements valued up to \$50,000 or non-competitive procurements in an emergency made by division staff are made in compliance with the requirements of this Chapter and Chapter 71, Financial Control and all applicable procurement policies and procurement procedures;

⁴³ Editor's Note: By-law 236-2024 came into force on July1, 2024.

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- E. Ensuring that goods and services are legitimately required for City purposes prior to the issuance of any solicitation;
- F. Ensuring that all technical specifications and requirements can be justified on the basis of a legitimate business objective and do not unfairly discriminate against any potential supplier;
- G. Directing and overseeing the negotiation, execution and management of all contracts led by or coordinated by their division including, without limitation, the verification that payments are made only for deliverables properly received, timelines are met, approving, or obtaining necessary approvals, the approval of subcontracting, assignment, amendment, optional renewal, early termination, enforcement of warranty and performance security, insurance, indemnification, limits on liability including any caps to liability, evaluation of supplier performance, and adoption of related divisional contract management procedures in consultation with the City Solicitor; **[Amended 2025-07-24 by By-law 766-2025]**
- H. Considering short and long-term requirements with respect to quantities and timelines or total project costs;
- I. Considering the cost of ongoing maintenance, support and licensing and other requirements;
- J. Consulting with the Technology Services Division and the Office of the Chief Information Security Officer of the City if the goods or services, or part thereof, includes any technology goods or services, or will potentially have implications for the City's technology and digital environment, to ensure appropriate oversight, due diligence, risk management and alignment with technology standards;
- K. Appointing the appropriate sub-delegates for the application of this Chapter, procurement policies and procurement procedures;
- L. Consulting with the Insurance and Risk Management Division of the City to ensure that the insurance provisions within the form of contract appropriately reflect a risk assessment in line with the goods and services being procured;
- M. Selection of an appropriate division project lead; and
- N. Directing and ensuring the completion of Supplier Performance Evaluation forms by division staff on any contract in excess of \$500,000 and submission of completed Supplier Performance Evaluations to the Chief Procurement Officer. **[Added 2025-07-24 by By-law 766-2025]**

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§ 195-4.2. Division project lead responsibilities.

[Amended 2024-03-22 by By-law 236-2024⁴⁴]

Project leads shall be responsible for:

- A. Preparing technical specifications, quantity requirements and scope of work for solicitations;
- B. Identifying areas for continuous improvement in template documents in relation to non-routine procurements in order for appropriate terms and conditions to be developed by the Chief Procurement Officer in consultation with the Insurance and Risk Management Division and the City Solicitor;
- C. Ensuring that suppliers, and their goods and services, conform with contract terms, conditions and technical specifications when the goods and services are first received and throughout the term of a contract; and
- D. Managing all contracts assigned by the division head, including, without limitation, the verification that payments are made only for deliverables properly received and timelines are met, approving, or obtaining necessary approvals, for such actions as subcontracting, assignment, amendment, optional renewal, early termination, and the enforcement of warranty and performance security in accordance with divisional contract management procedures and in consultation with the City Solicitor.

ARTICLE 5
Reserved⁴⁵

ARTICLE 6
Standard Procurement Methods

§ 195-6.1. Information gathering.

[Amended 2024-03-22 by By-law 236-2024⁴⁶]

Prior to conducting a competitive procurement, the following solicitations may be issued for the purpose of gathering information:

- A. A request for information (RFI); or
- B. A request for expression of interest (REOI).

⁴⁴ Editor's Note: By-law 236-2024 came into force on July1, 2024.

⁴⁵ Editor's Note: By-law 766-2025, enacted on July 24, 2025, deleted Article 5 in its entirety.

⁴⁶ Editor's Note: By-law 236-2024 came into force on July1, 2024.

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The receipt of a submission in response to a request for information or request for expression of interest does not create a legal contract.

§ 195-6.2. Pre-qualification for selective solicitations.

A request for supplier qualification (RFSQ) may be used for selective solicitations to establish a list of pre-qualified suppliers that will later be eligible to respond to: **[Amended 2024-03-22 by By-law 236-2024⁴⁷]**

- A. A specific solicitation; or
- B. A multi-use list.

The selection of a supplier for a list of pre-qualified suppliers does not create a legal contract by the City with any listed supplier.

§ 195-6.3. Competitive solicitations.

[Amended 2024-03-22 by By-law 236-2024⁴⁸]

A competitive solicitation method must be used for any procurement, unless one or more of the exceptions for using a non-competitive procurement described in this Chapter exist. Competitive solicitations include, but are not limited to the following:

- A. Request for tenders (RFT);
- B. Request for quotations (RFQ);
- C. Request for proposals (RFP);
- D. Negotiated request for proposals (nRFP);
- E. Request for supplier qualifications (RFSQ); and
- F. Any multi-stage procurement involving a combination of these competitive solicitation methods.

§ 195-6.4. Notices of intended procurement.

[Amended 2024-03-22 by By-law 236-2024⁴⁹]

⁴⁷ Editor's Note: By-law 236-2024 came into force on July1, 2024.

⁴⁸ Editor's Note: By-law 236-2024 came into force on July1, 2024.

⁴⁹ Editor's Note: By-law 236-2024 came into force on July1, 2024.

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A notice of intended procurement must be advertised and published on an electronic tendering system easily accessible to suppliers of the City for the following solicitations:

- A. Procurements valued over \$133,800; or
- B. A request for supplier pre-qualification for selective solicitations.

§ 195-6.5. Co-operative purchasing.

[Amended 2024-03-22 by By-law 236-2024⁵⁰]

The Chief Procurement Officer may make arrangements with one or more public bodies for co-operative purchasing where there are economic advantages in so doing, provided that if the procurement is to be conducted by other public bodies, the Chief Procurement Officer determines that:

- A. The method of procurement used by the other public body is a competitive method consistent with that described in this Chapter; and
- B. The awarding, reporting and execution of contracts resulting from the cooperative purchasing is in accordance with the requirements of this by-law and the procurement procedures.

Such procurements shall be conducted and contracts executed in accordance with the applicable authority for competitive procurements as set out in this Chapter and in Chapter 71, Financial Control.

§ 195-6.6. Procurement of same goods and services as public body.

[Amended 2024-03-22 by By-law 236-2024⁵¹]

Notwithstanding any other provision of this Chapter, a procurement may be made directly from a supplier of another public body, if the Chief Procurement Officer determines that the public body followed a competitive method consistent with that described in this Chapter, and the following additional conditions exist:

⁵⁰ Editor's Note: By-law 236-2024 came into force on July1, 2024.

⁵¹ Editor's Note: By-law 236-2024 came into force on July1, 2024.

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- A. The resulting contract between the public body and the supplier stipulates that the same goods or services or both be made available to other public bodies which include the City at the same price as provided by the supplier to the initiating public body;
- B. The same goods or services or both will be made available to the City for the same or better price than the price that is to be paid by the public body;
- C. The purchase of goods or services or both by the City is within funding approval; and
- D. The supplier is not ineligible, suspended or otherwise in contravention of this Chapter.

The award and contract execution in relation to a procurement made by another public body shall otherwise be in accordance with the authorities applicable to a competitive solicitation as set out in this Chapter and in Chapter 71, Financial Control.

ARTICLE 7

Non-competitive procurement or limited solicitations

[Amended 2024-03-22 by By-law 236-2024⁵²]

§ 195-7.1. Non-competitive procurement exceptions.

A non-competitive procurement may be undertaken where both the proposed noncompetitive procurement and the particular supplier can be justified in good faith, based on one or more of the following:

- A. A statutory or market-based monopoly;
- B. An absence of competition in the market for technical reasons;
- C. The existence of exclusive rights such as patent, copyright, license or warranty restrictions;
- D. Procurement of a work of art;
- E. Additional deliveries by an original supplier of goods and services that were not included in the original procurement, but a change of supplier cannot be made for economic or technical reasons without causing significant inconvenience or substantial duplication of costs for the City;

⁵² Editor's Note: By-law 236-2024 came into force on July1, 2024.

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- F. An attempt to procure the required goods or services by soliciting competitive bids has been made in good faith, but has failed to identify a compliant bid or qualified supplier, or where the bids received have been collusive;
- G. The goods or services are required as a result of an emergency which would not reasonably permit the solicitation of competitive bids;
- H. Construction, renovations, repairs or maintenance in respect of real estate leased or occupied by the City which may only be conducted by another person in accordance with a real estate agreement;
- I. The goods or services are purchased under circumstances which are exceptionally advantageous to the City, such as in the case of a bankruptcy or receivership;
- J. It is advantageous to the City to acquire the goods or services from another public body;
- K. Another organization is funding, or substantially funding, the procurement and the City has determined that the supplier and the terms and conditions of the proposed contract are beneficial to the City;
- L. The procurement of a particular brand of goods or services that are intended solely for resale to the public and no other brand meets the City's program objectives nor is the brand available from any other source;
- M. A contract to be awarded to the winner of a design contest, provided that:
 - (1) The contest is organized in a manner that is consistent with the principle of fair competition contained in this Chapter, in particular relating to public advertising; and
 - (2) The participants are judged by an independent jury with a view to a design contract being awarded to a winner;
- N. Procurement of a prototype or a first good or service that is developed in the course of a contract for research, experiment, study or original development;
- O. Goods purchased on a commodity market; or
- P. Such other non-competitive procurement exemptions authorized by Council.

§ 195-7.2. Limited solicitation exceptions.

A limited solicitation may be undertaken in the following circumstances:

- A. Any procurement valued under \$133,800; or

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- B. The confidential nature of the requirement is such that it would not be in the public interest to solicit competitive bids.

§ 195-7.3. Non-competitive procurement contract authority – general.

A contract may be awarded in relation to a non-competitive procurement by:

- A. The division head of the user division for a procurement of up to \$50,000, provided that the award value is within the division head's commitment authority under Chapter 71, Financial Control;
- B. The division head and the Chief Procurement Officer for a procurement of up to \$500,000, provided that the award value is within the division head's commitment authority under Chapter 71, Financial Control;
- C. The City Manager for a procurement of up to \$500,000; and
- D. Standing Committee and Council for all procurement valued up to or over \$500,000, or where the term of the contract exceeds five (5) years or exceeds the projected capital funding for the project as approved by Council.

§ 195-7.4. Limited solicitation contract authority – general.

A contract may be awarded in relation to a limited solicitation by:

- A. The division head of the user division for a procurement of up to \$120,000, provided that the award value is within the division head's commitment authority under Chapter 71, Financial Control;
- B. The Chief Procurement Officer for a procurement of up to \$500,000;
- C. The City Manager for a procurement of up to \$500,000; and
- D. Standing Committee and Council for all procurements valued over \$500,000, or where the term of the contract exceeds five (5) years or exceeds the projected capital funding for the project as approved by Council.

§ 195-7.5. Non-competitive procurement or limited solicitation contract authority - emergency.

- A. The City Manager or any division head may approve and enter into a contract in relation to a non-competitive procurement of goods or services required in an emergency of not more than \$500,000 or the division head's commitment authority as provided for in Chapter 71, Financial Control.

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- B. Where the potential value of the non-competitive contract exceeds \$500,000 or the commitment authority of the City Manager or any division head, either the Chief Procurement Officer and the City Manager or Chief Procurement Officer and the division head shall report jointly to Council through the appropriate Standing Committee as soon as practical and not later than the second regular meeting of Council after entering into the contract.

ARTICLE 8
Open Competitive Awards

§ 195-8.1. Authority to award - Chief Procurement Officer.

The Chief Procurement Officer shall be authorized to make an award arising from the issuance of a solicitation upon the recommendation of the division head who initiated the competitive procurement, provided that the following conditions are met: **[Amended 2025-07-24 by By-law 766-2025]**

- A. The award is to the supplier whose response meets the specifications and qualification requirements set out in the solicitation and whose response represents the best value to the City based on the evaluation criteria set out in the solicitation, including price criteria;
- B. The procurement process was conducted in a fair and transparent manner, in accordance with the process disclosed to all suppliers;
- C. The term of the contract does not exceed a maximum term of five (5) years, including option periods, or the projected term of capital funding for a project as approved by Council; and **[Amended 2024-03-22 by By-law 236-2024⁵³]**
- D. The contract is within the division head's commitment authority and has funding approval under the provisions of Chapter 71, Financial Control up to a maximum of \$30,000,000. **[Amended 2018-03-27 by By-law 271-2018; 2025-07-24 by By-law 766-2025]**

§ 195-8.2. Reserved.⁵⁴

§ 195-8.3. Extended authority of the Chief Procurement Officer.

[Amended 2025-07-24 by By-law 766-2025]

- A. The Chief Procurement Officer is authorized to exercise the power of a Standing Committee to make an Award that exceeds \$30,000,000 in the following circumstances:

⁵³ Editor's Note: By-law 236-2024 came into force on July 1, 2024.

⁵⁴ Editor's Note: By-law 766-2025, enacted July 24, 2025, on deleted § 195-8.2 in its entirety.

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- (1) A regularly scheduled meeting of the Standing Committee to which the bid, as the case may be, would be normally reported for award is cancelled for whatever reason, including labour disruption, and there is no meeting of Council scheduled either prior to or within the week following the cancelled Standing Committee meeting to which the bid could be reported; and
 - (2) All other pre-conditions to an award by the Chief Procurement Officer are met, including that the contract has funding approval under the provisions of Chapter 71, Financial Control.
- B. If the Chief Procurement Officer makes an award under this extended authority, the award shall be reported by the Chief Procurement Officer to the appropriate Standing Committee as soon as practical for information.

§ 195-8.4. Standing Committee authority.

[Amended 2024-03-22 by By-law 236-2024⁵⁵]

- A. Standing Committee is authorized to make an award arising from the issuance of a solicitation provided that the following conditions are met, based on the report of the Chief Procurement Officer, in consultation with the division head who initiated the solicitation:
- (1) The award is to the supplier whose response meets the specifications and qualification requirements set out in the solicitation and whose response represents the best value to the City based on the evaluation criteria set out in the solicitation;
 - (2) The solicitation was conducted in a fair and transparent manner, in accordance with the process disclosed to all suppliers;
 - (3) The term of the contract does not exceed a maximum term of five (5) years, including option periods, or the projected term of capital funding for a project as approved by Council; and
 - (4) The contract is within funding approval under the provisions of Chapter 71, Financial Control, but exceeds a procurement value of \$30,000,000. **[Amended 2025-07-24 by By-law 766-2025]**
- B. Standing Committee shall be authorized to make an award arising from the issuance of a solicitation that meets all the conditions in subsection A, regardless of the contract value, where the Chief Procurement Officer or the division head or City official on whose behalf the solicitation was made are of the opinion that the award should be made by Standing

⁵⁵ Editor's Note: By-law 236-2024 came into force on July1, 2024.

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Committee. Such awards shall be reported upon to the appropriate Standing Committee by the Chief Procurement Officer and the division head or City official who initiated the solicitation and, where necessary, the City Solicitor.

§ 195-8.5. City Council authority.

[Amended 2024-03-22 by By-law 236-2024⁵⁶]

Council is authorized to make an award or to take any other appropriate action including rescinding an award or cancelling a solicitation in the following situations:

- A. The Chief Procurement Officer, after consulting with the division head or City official who has initiated the solicitation, has recommended an award to a supplier whose response may not materially meet the specifications and qualification requirements set out in the solicitation or whose response may not represent the best value to the City based on the evaluation criteria set out in the solicitation;
- B. The award exceeds the contract term limit of five (5) years, including option periods, or exceeds the projected capital funding for a project previously approved by Council;
- C. The Chief Procurement Officer, after consulting with the City Solicitor, has determined that there are material risks as to the merits of making or rescinding any award;
- D. The contract does not have funding approval;
- E. The Chief Procurement Officer or the City official on whose behalf the solicitation was made are of the opinion that the award should be made by Council; or,
- F. Council has directed that the award be made by Council.

ARTICLE 9
Cancellation of Solicitations

§ 195-9.1. Cancellation of solicitations.

[Amended 2024-03-22 by By-law 236-2024⁵⁷]

The Chief Procurement Officer shall be authorized to cancel any solicitation where:

⁵⁶ Editor's Note: By-law 236-2024 came into force on July1, 2024.

⁵⁷ Editor's Note: By-law 236-2024 came into force on July1, 2024.

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- A. There is a request by the division head who initiated the solicitation where the cost of the responses exceed the funding approval for the proposed contract.
- B. In the opinion of the division head responsible for the solicitation:
 - (1) A change in the scope of work or other solicitation requirements are necessary and therefore a new solicitation should be issued;
 - (2) The goods or services or both identified in the solicitation no longer meet the division's requirements; or
 - (3) The goods or services or both are no longer required.
- C. In the opinion of the Chief Procurement Officer, in consultation with the City Solicitor, it is determined that the integrity of the solicitation process has been compromised as a result of: **[Amended 2025-02-11 by Bylaw 104-2025]**
 - (1) A material breach of the process as disclosed in the solicitation;
 - (2) Uncertainty, lack of clarity, potential confusion, or ambiguity in the drafting of the solicitation; or
 - (3) Lack of equal access to significant information relative to the solicitation.
- D. The solicitation has failed to elicit competition or any qualified supplier.
- E. In the opinion of the Chief Procurement Officer there are legitimate business and legal risk reasons to support the cancellation of a solicitation.

ARTICLE 10
Bid Disputes

§ 195-10.1. Pre-award bid disputes.

[Amended 2024-03-22 by By-law 236-2024⁵⁸]

Suppliers should seek a resolution of any pre-award bid dispute by communicating directly with the Chief Procurement Officer as soon as possible from the time when the basis for the bid dispute became known to them. The Chief Procurement Officer may delay an award, or any stage of a procurement, pending the acknowledgement and resolution of any pre-award bid dispute.

⁵⁸ Editor's Note: By-law 236-2024 came into force on July1, 2024.

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§ 195-10.2. Post-award bid disputes.

[Amended 2024-03-22 by By-law 236-2024⁵⁹]

- A. Post-award bid disputes must be received in writing by the Chief Procurement Officer no later than ten (10) business days after the date of the award notification.
- B. Where a debriefing has been requested, a post-award bid dispute must be received in writing by the Chief Procurement Officer no later than five (5) business days after a debriefing request is received. Any dispute that is not received in writing within five (5) business days will not receive further consideration.
- C. Post-award bid disputes with a procurement value over \$133,800 that cannot be resolved by the Chief Procurement Officer through consultations with the supplier shall be referred by the Chief Procurement Officer to the Chief Financial Officer and Treasurer or their delegate (s) for an impartial review, based on the following information: **[Amended 2025-02-11 by By-law 104-2025]**
 - (1) A specific description of each act or omission alleged to have materially breached the procurement process;
 - (2) A specific identification of the provision in the solicitation, procurement policies or procurement procedure that is alleged to have been breached;
 - (3) A precise statement of the relevant facts;
 - (4) An identification of the issues to be resolved;
 - (5) The supplier's arguments, including any relevant supporting documentation; and
 - (6) The supplier's requested remedial action. The Chief Financial Officer and Treasurer or their delegate(s), in consultation with the City Solicitor, may:
 - (7) Dismiss the dispute; or
 - (8) Accept the dispute and direct the Chief Procurement Officer to take appropriate remedial action, including, but not limited to, rescinding the award and any executed contract, and canceling the solicitation.
- D. The Chief Procurement Officer may adopt and publish such further procedures as are necessary to ensure an independent and timely review and resolution of post-award bid disputes. **[Amended 2025-02-11 by By-law 104-2025]**

⁵⁹ Editor's Note: By-law 236-2024 came into force on July1, 2024.

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ARTICLE 11
Contract Execution

§ 195-11.1. Contract execution and purchase orders.

Where an award of a contract has been made, then in addition to any other general or specific authority delegated by Council regarding contract execution:

- A. Any contract in excess of \$133,800 shall be in a form satisfactory to the City Solicitor; **[Amended 2024-03-22 by By-law 236-2024⁶⁰]**
- B. The form of contract shall be disclosed in the solicitation, including any process and scope for contract negotiations. All awards are subject to the execution of the contract documents or issuance of a purchase order by the City;
- C. The City Clerk and Chief Financial Officer and Treasurer may enter into and execute all necessary contract documents in relation to any award; **[Amended 2018-07-27 by By-law 1206-2018]**
- D. Notwithstanding Subsection C, the City Clerk and division head with management authority for the award may enter into and execute the contract documents in relation to that division's award; **[Amended 2018-03-27 by By-law 271-2018]**
- E. The division head with management authority for the award may alone, enter into and execute the contract documents in relation to that division's award of \$500,000 or less provided that the award value is within the division head's commitment authority under Chapter 71, Financial Control; **[Amended 2018-03-27 by By-law 271-2018]**
- F. The Chief Procurement Officer may issue a purchase order for any procurement award; and
- G. The division head, in consultation with the Chief Procurement Officer, may issue a Divisional Purchase Order for any procurement award of \$120,000 or less, provided that the award value is within the division head's commitment authority under Chapter 71, Financial Control. **[Amended 2024-03-22 by By-law 236-2024⁶¹]**

ARTICLE 12
Surplus Goods

§ 195-12.1. List of surplus goods.

Where a division head determines that any goods should be declared surplus due to being obsolete, worn out or no longer being useful for the division, a list of such goods shall be made

⁶⁰ Editor's Note: By-law 236-2024 came into force on July1, 2024.

⁶¹ Editor's Note: By-law 236-2024 came into force on July1, 2024.

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available to the Chief Procurement Officer for the purpose of circulation to other divisions. If they are not required by any other divisions, then the goods may be declared surplus by the Chief Procurement Officer.

§ 195-12.2. Disposal of surplus goods.

Arrangements may be made for the disposal of the goods in any way that is believed will provide the highest return to the City, including, but not limited to:

- A. Public auction;
- B. Issuance of a request for tenders or request for quotations;
- C. Trade-in as part of the procurement of other similar goods being acquired by the City;
- D. Donating or selling the goods for a nominal fee, or generating revenues which would be donated, to a not-for-profit charitable organization that is registered as such with the Canada Revenue Agency; or
- E. Classifying as waste and recycling, scrapping, dismantling, destroying or disposing.
[Amended 2024-03-22 by By-law 236-2024⁶²]

ARTICLE 13
Supplier Code of Conduct

§ 195-13.1. Honesty and good faith.

- A. Suppliers must respond to the City's solicitations in an honest, fair and comprehensive manner that accurately reflects their capacity to satisfy the requirements stipulated in the solicitation.
- B. Suppliers shall submit a bid only if they know they can satisfactorily perform all obligations of the contract in good faith.
- C. Suppliers shall alert the Chief Procurement Officer to any factual errors, omissions and ambiguities that they discover in the solicitation as early as possible in the process to avoid the solicitation being cancelled.

⁶² Editor's Note: By-law 236-2024 came into force on July1, 2024.

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§ 195-13.2. Confidentiality and disclosure.

- A. Suppliers must maintain confidentiality of any confidential City information disclosed to the supplier as part of the solicitation process.
- B. Suppliers must acknowledge in their bid that their bid information will be subject to the confidentiality and disclosure requirements of the Municipal Freedom of Information and Protection of Privacy Act, 1990.

§ 195-13.3. Conflicts of interest or unfair advantage.

[Amended 2024-03-22 by By-law 236-2024⁶³]

Suppliers must declare and fully disclose any actual or potential conflict of interest or unfair advantage related to the preparation of their bid or where the supplier foresees an actual or potential conflict of interest in the performance of the contract. Such potential conflicts of interest or unfair advantages include, but are not limited to:

- A. Engaging current or former City employees or public office holders to take any part in the preparation of the bid or the performance of the contract if awarded, any time within two (2) years of such persons having left the employ or public office of the City;
- B. Engaging any family members, friends or private business associates of any public office holder which may have, or appear to have, any influence on the procurement process, or subsequent performance of the contract;
- C. Prior involvement by the supplier or affiliated persons in developing the technical specifications or other evaluation criteria for the solicitation;
- D. Prior access to confidential City information by the supplier, or affiliated persons, that is materially related to the solicitation and that was not readily accessible to other prospective suppliers; or
- E. The supplier or its affiliated persons are indebted to or engaged in ongoing or proposed litigation with the City in relation to a previous contract.

Notwithstanding the above requirements, the Chief Procurement Officer, in consultation with the City Solicitor, may disqualify any supplier who has declared any actual or potential conflict of interest or unfair advantage that cannot be resolved.

⁶³ Editor's Note: By-law 236-2024 came into force on July1, 2024.

§ 195-13.4. Collusion or unethical bidding practices.

[Amended 2024-03-22 by By-law 236-2024⁶⁴]

No supplier may discuss or communicate, directly or indirectly, with any other supplier or their affiliated persons about the preparation of the supplier's bid including, but not limited to, any connection, comparison of figures or arrangements with, or knowledge of any other supplier making a bid for the same work. Suppliers shall disclose to the Chief Procurement Officer any affiliations or other relationships with other suppliers that might be seen to compromise the principle of fair competition, including any proposed subcontracting relationships.

§ 195-13.5. Illegality.

[Amended 2024-03-22 by By-law 236-2024⁶⁵]

- A. A supplier shall disclose if they, an affiliated person, or anyone who has ownership interest in the supplier, has any previous convictions for collusion, bid-rigging, price-fixing, bribery, fraud or other similar behaviours or practices prohibited under the Criminal Code, the Competition Act or other applicable law, for which they have not received a pardon.
- B. A supplier or its affiliated person, shall be deemed ineligible for an award for a minimum period of five (5) years from the date of the conviction, unless pre-approved by the Chief Procurement Officer. [Amended 2025-02-11 by By-law 104-2025]

§ 195-13.6. Interference prohibited.

No supplier may threaten, intimidate, harass, or otherwise interfere with any City employee or public office holder in relation to their procurement duties. No supplier may likewise threaten, intimidate, harass, or otherwise interfere with an attempt by any other prospective supplier to bid for a City contract or to perform any contract awarded by the City.

§ 195-13.7. Gifts or favours prohibited.

No supplier shall offer gifts, favours or inducements of any kind to City employees or public office holders, or otherwise attempt to influence or interfere with their duties in relation to the procurement process or management of a contract.

⁶⁴ Editor's Note: By-law 236-2024 came into force on July1, 2024.

⁶⁵ Editor's Note: By-law 236-2024 came into force on July1, 2024.

§ 195-13.8. Misrepresentations prohibited.

Suppliers are prohibited from misrepresenting their relevant experience and qualifications in relation to any solicitation process and must acknowledge that the City's process of evaluation may include information provided by the supplier's references as well as records of past performance on previous contracts with the City or other public bodies.

§ 195-13.9. Prohibited communication during the solicitation.

[Amended 2024-03-22 by By-law 236-2024⁶⁶]

No supplier, or affiliated person, may discuss or communicate either verbally, or in writing, with any employee, public office holder, or the media in relation to any solicitation between the time of the issuance of the solicitation, which for open competitive procurements is the issuance of the notice of intended procurement, to the award and execution of final form of contract, unless such communication is expressly permitted in the solicitation and in compliance with Chapter 140, Lobbying. All supplier communications shall be with the Chief Procurement Officer or the employee specifically delegated for that purpose in the solicitation.

§ 195-13.10. Failure to honour bid.

Suppliers shall honour their bid, except where they are permitted to withdraw their bid in accordance with the process disclosed in the solicitation. Suppliers shall not refuse to enter into a contract or refuse to fully perform the contract once their bid has been accepted by the City.

§ 195-13.11. Supplier performance.

[Amended 2018-03-27 by By-law 271-2018]

- A. Suppliers shall fully perform their contracts with the City and follow any reasonable direction from the City to cure any default.
- B. Suppliers shall maintain a satisfactory performance rating on their previous contracts with the City and other public bodies to be qualified for the award of similar contracts.
[Amended 2024-03-22 by By-law 236-2024⁶⁷]
- C. Without limiting A and B, no supplier shall, in the performance of a contract with the City: **[Amended 2024-03-22 by By-law 236-2024⁶⁸]**

⁶⁶ Editor's Note: By-law 236-2024 came into force on July1, 2024.

⁶⁷ Editor's Note: By-law 236-2024 came into force on July1, 2024

⁶⁸ Editor's Note: By-law 236-2024 came into force on July1, 2024

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- (1) Materially fail to perform in accordance with the terms of one or more contracts;
- (2) Over-bill, double bill, retain a known over-payment, or fail to notify the City of an over-payment or duplicate payment within a reasonable time;
- (3) Bill for goods or services not supplied;
- (4) Bill for goods or services of one grade, while supplying goods or services of an inferior grade;
- (5) Misrepresent the quality or origin of goods and services, their functionality or suitability for a purpose, or their performance characteristics;
- (6) Misappropriate any property or right of the City, in any form;
- (7) Submit false or exaggerated claims to the City;
- (8) Submit misleading information to the City;
- (9) Seek modifications to the price of a contract through false or misleading representations, including materially undervaluing a bid or any included unit prices to win a contract award with the intention of later seeking unnecessary contract modifications;
- (10) Fail to pay debts to the City upon reasonable demand;
- (11) Act in any manner that is a conflict of interest with the City without the knowledge and consent the City; or
- (12) Any other professional misconduct or omissions that adversely reflect on the commercial integrity of the supplier.

§ 195-13.12. Disqualification of suppliers for non-compliance.

[Amended 2024-03-22 by By-law 236-2024⁶⁹]

- A. Suppliers shall be required to certify compliance with the Supplier Code of Conduct as set out in Article 13 of this Chapter with their bid and verify compliance prior to award. Any contravention of the Supplier Code of Conduct by a supplier may be grounds for the Chief Procurement Officer to disqualify a supplier from being awarded a contract.
- B. A contravention of the Supplier Code of Conduct may also be grounds for the division head to terminate any contract awarded to that supplier and require the return of any advance payments

⁶⁹ Editor's Note: By-law 236-2024 came into force on July1, 2024

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§ 195-13.13. Suspension of suppliers from future solicitations.

[Amended 2024-03-22 by By-law 236-2024⁷⁰]

- A. Without limiting or restricting any other right or privilege of the City, Council may suspend a supplier's eligibility to bid for a period between one (1) and five (5) years based upon evidence that there has been a contravention of the Supplier Code of Conduct or for any other professional misconduct or omissions that adversely reflect on the commercial integrity of the supplier.
- B. Without limiting or restricting any other right or privilege of the City, the Chief Procurement Officer, in consultation with the City Solicitor, may also temporarily suspend a supplier's eligibility to bid for up to six (6) months based upon evidence that there has been a contravention of the Supplier Code of Conduct or for any other professional misconduct or omissions that adversely reflect on the commercial integrity of the supplier.
- C. The Chief Procurement Officer shall submit an annual report to the appropriate Standing Committee, where any supplier has been suspended under this Article.

§ 195-13.14. Review of suspensions.

[Amended 2018-03-27 by By-law 271-2018]

- A. A suspended supplier may apply to the Chief Procurement Officer for a review of their suspension upon completion of one year or at least half of their total suspension period. An application for review must be in writing and include the reasons and any reasonable supporting documentation.
- B. A decision to reinstate a suspended supplier may be made by City Council based on the recommendation of both the Chief Procurement Officer and the appropriate division head, subject to such reasonable conditions or limitations that ensure the supplier will not pose a material risk to the City's procurement process, contract management or reputation for the remaining duration of the original suspension. **[Amended 2024-03-22 by By-law 236-2024⁷¹]**

§ 195-13.15 Sanctions.

[Added 2022-04-07 by By-law 321-2022]

- A. A supplier shall disclose if they, an affiliated person or if anyone who has an ownership interest in the supplier have been sanctioned by the Federal Government of Canada.

⁷⁰ Editor's Note: By-law 236-2024 came into force on July1, 2024

⁷¹ Editor's Note: By-law 236-2024 came into force on July1, 2024

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- B. A supplier shall be deemed ineligible for an award while the sanctions are in place against the named supplier or individual, an affiliated person or anyone who has an ownership interest in the supplier, unless otherwise approved by Council.

ARTICLE 14
General

§ 195-14.1. Employee Ethical Procurement Standards.

[Amended 2024-03-22 by By-law 236-2024⁷²]

- A. City employees must perform their duties and arrange their private interests so that the public confidence in their integrity, objectivity and impartiality are conserved and enhanced in compliance with Chapter 192, Public Service.
- B. Any potential conflict of interest or unfair advantage related to a divisional procurement, where known, shall be disclosed to the Chief Procurement Officer as early as possible in the procurement process by the division head or staff.
- C. Any potential conflict of interest or unfair advantage shall be managed in a manner consistent with the highest standards of purchasing ethics, which is not limited to cancelling a solicitation or implementing reasonable safeguards to prevent an employee from having any access to confidential information or involvement in a particular procurement.

§ 195-14.2. In-house bids restricted.

[Amended 2024-03-22 by By-law 236-2024⁷³]

Bids to any solicitation will not be accepted from internal City employees or divisions, without prior approval by Council, including approval of the process for fairly evaluating those bids.

§ 195-14.3. No informal authority to contract.

No City employee or public office holder shall make, or offer to make, any contract on behalf of the City except as may be provided for in this Chapter and in compliance with Chapter 71, Financial Control.

⁷² Editor's Note: By-law 236-2024 came into force on July1, 2024

⁷³ Editor's Note: By-law 236-2024 came into force on July1, 2024

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§ 195-14.4. No split contracts.

No requirement for the payment of goods or services received by the City shall be divided in order to avoid any of the requirements of this Chapter or Chapter 71, Financial Control.

§ 195-14.5. No contracts without funding approval.

No contract shall be authorized unless Council has provided funding approval for such purpose in a budget, or agreed to the provision of such funds, and no expenditure shall be authorized or incurred in excess of the funds provided, subject to the provisions of Chapter 71, Financial Control.

§ 195-14.6. Conflict with policies and procedures.

[Amended 2024-03-22 by By-law 236-2024⁷⁴]

If there is a conflict or inconsistency between this Chapter and any of the procurement policies and procurement procedures, this Chapter shall govern and take precedence.

Schedule A

Temporary Provisions in Response to Tariffs

[Added 2025-03-31 by By-law 240-2025]

195-A1.1 Effective period.

A. The amendments to Chapter 195, Procurement, contained in this Schedule A shall be in force and effect at any time when in the opinion of the City Manager and the Chief Procurement Officer, in consultation with the Chief Financial Officer and Treasurer and City Solicitor, the following conditions have been met:

- (1) The Government of Canada or the Province of Ontario, or both, have provided direction to the City to take some or all the actions described in Schedule A to this by-law; or
- (2) Tariffs have been implemented by the United States of America against Canadian goods imported into the United States after the date this by-law comes into force, and the federal Government of Canada has imposed retaliatory tariffs on American goods being imported into Canada from the United States in response.

⁷⁴ Editor's Note: By-law 236-2024 came into force on July1, 2024

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- B. For greater clarity, the amendments contained in this Schedule A shall not be in force or effect when in the opinion of the City Manager and the Chief Procurement Officer, in consultation with the Chief Financial Officer and Treasurer and City Solicitor, the conditions in subsection A1.1A(1) and (2) have not been met.

195-A1.2. Definitions.

Section 2.1 of Chapter 195, Procurement, is amended as follows:

- A. by deleting the definitions “Competitive Procurement”, “Ineligible Supplier”, “Open Competitive Procurement” and “Supplier” from section 2.1

- B. by adding the following definitions to section 2.1:

CANADIAN SUPPLIER - A supplier, manufacturer or distributor of any business structure that conducts its activities on a permanent basis in Canada. The business either:

- (1) has its headquarters or principal place of business in any province or territory of Canada; or
- (2) has at least 70% of its employees in Canada at the time of the bid submission of the applicable procurement process; or
- (3) is a Canadian Business Subsidiary.

CANADIAN BUSINESS SUBSIDIARY - A corporation operating in Canada, that acts as a supplier, manufacturer or distributor of goods and services and is controlled by a parent corporation outside of Canada, and where:

- (1) the business subsidiary has permanent offices or production facilities, and
- (2) a minimum of 70% of the deliverables will be provided by employees based in Canada.

COMPETITIVE PROCUREMENT - A solicitation where suppliers as defined in this Schedule are given an opportunity to bid, whether by invitation or by advertisement to the public, and which may include a process for conducting negotiations with one or more suppliers.

INELIGIBLE SUPPLIER – A supplier that has been convicted of charges as described in Section 13.5 of the Chapter, and may from time to time, also include USA Based Suppliers, if they are deemed ineligible to bid on competitive City of Toronto solicitations in accordance with Section 3.2 of this Schedule.

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NON-AMERICAN BUSINESS SUBSIDIARY - A business subsidiary controlled by a parent corporation operating on a permanent basis in the USA, that acts as a supplier, manufacturer or distributor of goods, where:

- (1) the business subsidiary has permanent offices or production facilities outside of the USA; and
- (2) a minimum of 70% of the deliverables will be provided by employees based outside of the USA.

NON-AMERICAN SUPPLIER - A supplier, manufacturer or distributor of any business structure that does not meet the definition of “American Based Supplier”.

OPEN COMPETITIVE PROCUREMENT - A competitive solicitation method, where a notice of intended procurement is advertised to the public, giving suppliers as defined in this Schedule an equal opportunity to bid on the solicitation and prove their qualifications.

TRADE PARTNER SUPPLIER - A supplier, manufacturer or distributor of any business structure that conducts its activities on a permanent basis within a country that is a party to an international trade agreement applicable to municipalities in Canada. The Trade Partner Supplier either:

- (1) has its headquarters or main office within a country that is a party to an international trade agreement applicable to municipalities in Canada, or
- (2) has at least 70% of its employees based in a country that is a party to an international trade agreement applicable to municipalities in Canada at the time of bid submission deadline of the applicable procurement process.

SUPPLIER - A person or group of persons that provides or could provide goods or services, and may include a Canadian Supplier, a Canadian Business Subsidiary, a Non-American Supplier, a Non-American Business Subsidiary, a Trade Partner Supplier, and a USA Based Supplier.

USA BASED SUPPLIER- A supplier, manufacturer or distributor of any business structure that conducts its activities on a permanent basis in the United States of America (“USA”). The business either:

- (1) has its headquarters or principal place of business in any state or territory of the USA; or
- (2) has at least 70% of its employees in the USA at the time of the bid submission of applicable procurement process.
- (3) USA Based Supplier does not include a Non-American Business Subsidiary.

195-A1.3. Monetary thresholds and applicable trade agreement

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- A. If in the opinion of the Chief Procurement Officer, there is a change to the monetary thresholds applicable to municipal procurement in the Canadian Free Trade Agreement, the Trade and Cooperation Agreement between Ontario and Quebec, or the Canada-European Union Comprehensive Economic and Trade Agreement, the Chief Procurement Officer shall be authorized to immediately apply the changed monetary thresholds to Sections 3.1(B)(1), 3.1(O), 4.1(D), 6.4(A), 7.2(A), 7.4(A), 10.2(C), 11.1(A) and 11.1(G) of Chapter 195 to align with the updated trade agreements.
- B. The City Solicitor, in consultation with the Chief Procurement Officer, is authorized to submit a bill directly to Council to reflect the outcome of A1.3(A).

195-A1.4. General duties and responsibilities of Chief Procurement Officer

- A. § 195-3.1(D)(2) is deleted and replaced as follows:
 - (2) Rejecting bids made by ineligible and suspended suppliers, or that are otherwise in contravention of this Chapter, Schedule A to this Chapter, or Council policy regarding supplier eligibility and conduct;
- B. § 195-3.1(D)(2) is amended by adding Subsection (9) as follows:
 - (9) Developing and including measures in solicitations, where appropriate and where possible, to prefer bids submitted by Canadian Suppliers and Trade Partner Suppliers, as applicable, in accordance with this Schedule A.

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195-A1.5. “Buy Canadian” measures

§ 195-6.3 is amended by adding Subsections 6.3.1, 6.3.2 and 6.3.3 as follows:

- 6.3.1 For new competitive procurements issued on or after March 7, 2025, Canadian Suppliers shall be the only suppliers eligible to bid on City solicitations valued under the applicable Canada-European Union Comprehensive Economic and Trade Agreement monetary thresholds for municipal procurement, as follows:
 - A. under \$353,300 for goods and services, and
 - B. under \$8,800,000 for construction.
- 6.3.2 For new procurements with values exceeding the monetary thresholds in Section A1.5 of this Schedule A and which are subject to the Canada-European Union Comprehensive Economic and Trade Agreement, the Chief Procurement Officer will include measures in the City’s solicitations to prefer bids submitted by Canadian Suppliers and Trade Partner Suppliers, where appropriate and where possible.
- 6.3.3 All procurements undertaken under Sections 6.3.1 and 6.3.2. shall be conducted and contracts executed in accordance with the applicable authority for competitive procurements as set out in the Chapter and in Chapter 71, Financial Control.

195-A1.6. Bids from American Based Suppliers – Potential restrictions

§ 195-6.3 is amended by adding Section 6.3.4 as follows:

- 6.3.4 USA Based Suppliers may be deemed ineligible to bid on competitive City procurements, if it is deemed by the City Manager, or their delegate, and the Chief Procurement Officer, in consultation with the City Solicitor, to be in the best interest of the City to not allow bids from USA Based Suppliers.

195-A1.7. Non-competitive procurement exceptions – USA Based Suppliers

§ 195-7.1 is amended by adding Section 7.1.1 and 7.1.2 as follows:

- 7.1.1 A non-competitive procurement may be undertaken with a USA Based Supplier only if, in the opinion of the City Manager, or their delegate, and the Chief Procurement Officer, in consultation with the City Solicitor, it would be in the best interest of the City.
- 7.1.2 Non-competitive procurements undertaken under Section 7.1.1 shall be awarded and contracts executed in accordance with the applicable authority for non-competitive procurements as set out in the Chapter and in Chapter 71, Financial Control.

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195-A1.8. Limited solicitation exceptions

§ 195-7.2 is amended by adding Subsections C and D as follows:

- (C) Where, in the opinion of the City Manager and the Chief Procurement Officer, in consultation with the City Solicitor, it would not be in the City's best interest to solicit open competitive bids.
- (D) Limited solicitations undertaken under Section 7.2 (C) shall be awarded and contracts executed in accordance with the applicable authority for limited solicitations as set out in the Chapter and in Chapter 71, Financial Control.

195-A1.9. Conflict with policies and procedures.

If there is a conflict or inconsistency between the Chapter and this Schedule, the Schedule shall govern and take precedence.