



BUILD OTTAWA

POLICIES AND PROCEDURES

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BUILD OTTAWA

Background

Build Ottawa (the “Corporation”), previously the Ottawa Community Lands Development Corporation, renamed on November 22, 2023 and originally approved by Council on October 10, 2007, is incorporated as a municipal services corporation with the City as the sole shareholder. The Corporation provides an implementation vehicle, controlled by and available at the discretion of Council, to clearly separate the City’s land ownership and real estate development role as a corporate entity under the *Corporations Act* from its planning authority role as the municipality under the *Municipal Act, 2001*, and the *Planning Act* as circumstances may so warrant.

As a legally separate entity from the City, the Corporation can enter into subdivision and development agreements with the City and also enter into agreements with third parties to provide additional corporate control when selling development lands, in achieving the project objectives established by Council.

The Corporate Mandate and Objectives

The Council approved mandate of the Corporation is to explore opportunities to prioritize, prepare and leverage City Real Property to be made available to advance the goals of affordable housing and to ensure the commercially oriented, orderly disposition of selected surplus City Real Property with Optimal Value to the City’s taxpayers. In carrying out this mandate, “Optimal Value” is to be seen as pertaining to both financial and non-financial community value. The disposition of such Real Property will be sensitive to local neighbourhood and/or overall community objectives, as approved by Council in the City’s Strategic Plan and local real estate market conditions.

The objectives of the Corporation are:

- a) To advance the development of affordable housing in the City and to promote and undertake community improvements in the City generally, including but not limited to:
 - i) planning, subdividing and developing or redeveloping Real Property owned or held by the Corporation for residential, industrial, commercial, institutional, public, recreational, or other uses;
 - ii) owning, constructing, operating, maintaining, and/or providing facilities or entering into agreements for the construction, operation, maintenance and/or provision of facilities;
 - iii) acquiring, holding, selling, leasing or disposing of Real Property;
 - iv) entering into agreements, including but not limited to development agreements and subdivision agreements;
 - v) undertaking or conducting studies, research and design work;
 - vi) conducting public marketing and advertising Real Property for Sale; and
- b) To undertake other activities consistent with these objectives.



Enquiries

For more information on this Policy, contact:

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Build Ottawa
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ACQUISITION OF REAL PROPERTY FROM CITY POLICY

Policy Statement

Build Ottawa (the “Corporation”) shall, in an open and transparent manner, receive the transfer of Real Property from the City and direct the future Sale and development of such Real Property based on objectives approved by Council for achieving Optimal Value for the Real Property. As directed by Council, “Optimal Value” may not be limited to maximizing financial return and may also be measured through the achievement of other desirable outcomes, including the development of affordable housing.

Purpose

To ensure that consistent, transparent and accountable procedures are followed by the Corporation upon the transfer of Real Property from the City and to ensure that future transactions of such Real Property by the Corporation are in the best interests of both the Corporation and the City based on the establishment of Council approved objectives for achieving Optimal Value for Real Property.

Application

This policy applies where the Corporation is:

- acquiring Real Property; and/or
- receiving the transfer of Real Property from the City.

The Corporation shall undertake the acquisition of Real Property in accordance with this policy, unless waived by Council.

Policy Requirements

General

1. Prior to receiving the transfer of Real Property, the Corporation shall ensure that:
 - a) Council has approved the transfer of the Real Property to the Corporation (“Council Approval”).
 - b) The Council Approval sets out, in each case, the purposes for the transfer and such specific objectives, pertaining to both financial and non-financial community value, as Council deems appropriate for the Corporation to achieve Optimal Value upon its disposition of the Real Property.
 - c) Approval for acquiring and/or receiving the transfer of Real Property from the City is obtained by way of a resolution or motion of the Board of Directors of the Corporation (“Board Approval”).

Conditions for the Acquisition of Real Property

1. Unless otherwise stated in this policy, the following conditions must be met before the Corporation receives the transfer of Real Property:
 - a) The Real Property shall be owned by the City prior to the transfer of the Real Property to the Corporation.
 - b) The Real Property has been declared surplus by Council.
 - c) The Council Approval for transferring the Real Property to the Corporation, in each case, has been obtained and outlines the specific objectives with respect to the Corporation achieving Optimal Value upon its disposition of the Real Property.
 - d) The Corporation, in each case, has undertaken such planning, engineering and other initiatives as the Board of Directors determines are required to achieve Optimal Value.
 - e) The Corporation is satisfied that the subsequent disposition of the Real Property, in compliance with the Corporation's Disposal of Real Property Policy, will achieve Optimal Value as set out in the relevant Council Approval.

Other Considerations

1. Either the Council or the Board of Directors of the Corporation may initiate a request to transfer Real Property from the City to the Corporation.
2. Where the Corporation expects to receive the transfer of Real Property from the City and the Corporation, in its opinion, determines that the purchase of additional Real Property owned by a third party may be necessary to achieve Optimal Value, the Corporation may request that the City purchase the third party Real Property and, if purchased by the City, that the City transfer such third party Real Property to the Corporation in accordance with the "Conditions for the Acquisition of Real Property" as set out above in this Policy.
3. Where the Corporation wishes to exercise an existing Option to Repurchase, approval from the Board of Directors shall be obtained.

Responsibilities

City Council approval is required for the Corporation to acquire or accept transfer of Real Property, except in the case of a decision to exercise the Option to Repurchase, for which Build Ottawa Board approval is required.

The Office of the City Clerk and Solicitor is responsible for providing legal services and advice on real property transactions to the City. The Corporation reserves the right to procure external legal services.

Monitoring/Contraventions

The Corporation's staff members shall monitor the application of this Policy to ensure that all policy requirements are met.

DISPOSAL OF REAL PROPERTY POLICY

Policy Statement

Build Ottawa (the “Corporation”) shall dispose of real property in an open and transparent manner based on Council approved objectives to achieve Optimal Value. As directed by Council, “Optimal Value” may not be limited to maximizing financial return and may also be measured through the achievement of other desirable outcomes, including the development of affordable housing.

Purpose

To ensure that consistent, transparent and accountable transactions are followed in the disposal of any Real Property by the Corporation and to ensure that returns are fair, reasonable and in the best interests of the Corporation and the City taking into account the Council approved objectives to achieve Optimal Value, and the type and form of development which would be beneficial to the City and the community.

Section 270(2) of the *Municipal Act, 2001* requires a local board to adopt and maintain a policy with respect to the sale and other disposition of real property.

Application

This policy applies where Real Property is disposed of by the Corporation.

The Corporation shall undertake the disposal of Real Property in accordance with this policy, unless waived by Council.

Policy Requirements

General

1. Subject to any other provisions contained in the *Municipal Act, 2001*, prior to the Sale of Real Property the Corporation shall ensure that:
 - a) All Real Property is evaluated for its suitability to accommodate residential development, including affordable housing.
 - b) All Real Property is disposed of at current Market Value or an alternate value approved by the Board of Directors of the Corporation when affordable housing is being proposed.
 - c) Approval for the Sale of Real Property is obtained by way of a resolution or motion of the Board of Directors of the Corporation. All purchase prices are confidential and cannot be released to the public until the Sale has been completed.

Conditions for the Disposal of Real Property

1. Unless otherwise stated in this policy, the following conditions must be met before the Sale of any Real Property:
 - a) The “Conditions for the Acquisition of Real Property” pursuant to the Acquisition Policy have been met.
 - b) Conditions established by the Corporation for the Sale of the Real Property shall be in keeping with the objectives approved by Council in transferring the Real Property to the Corporation to achieve Optimal Value.
 - c) At least one (1) Appraisal estimating the current Market Value of the Real Property shall be obtained. Two (2) Appraisals of the Real Property shall be obtained if the value of the Real Property exceeds one million dollars (\$1,000,000). Appraisal reports shall remain confidential until the Disposal is completed.
 - d) Notice is given to the public of the proposed Sale of Real Property, in accordance with the provisions set out under “Notice of Proposed Sale” below.
 - e) The Corporation may, at its discretion and acting in good faith, upon compliance with section 1 of this Policy, request sealed tenders or bids for the Sale of Real Property or utilize an alternative method of Sale or disposal of Real Property to be determined by the Corporation.

Notice of Proposed Sale

1. Prior to the disposal of any Real Property, notice of the proposed disposal shall be provided to the public by one or more of the following methods:
 - a) Posting a sign on the Real Property for a period of not less than ten (10) days.
 - b) In addition to the methods of providing notice described above, notice of the proposed Sale of Real Property may include advertising on Ottawa.ca or other methods.

Achieving Optimal Value

1. The Corporation’s acceptance of any offer shall be based on achieving optimal value. Financial return will not be the sole determinant and is only a criterion in determining Optimal Value. In determining optimal value, the Corporation will take into consideration:
 - a) The level of affordable housing being proposed by a potential purchaser;
 - b) The dollar value of the offer in relation to the current Market Value;
 - c) Support of the Corporation’s objectives and mandate; and
 - d) Any other direct or indirect benefits which could accrue to the Corporation and/or the community.

Other Considerations

1. The Corporation may consider the following criteria when evaluating offers from potential purchasers:
 - a) Experience in delivering similar projects;
 - b) The reputation of the purchaser;
 - c) Financial capacity and credit worthiness of the purchaser;
 - d) Product quality;
 - e) References; or
 - f) Any other defined criteria related to the specific Real Property.

2. If the best offer received does not fully meet the conditions set by the Corporation and the objectives contained in the Council Approval, the Corporation shall obtain further approval from Council prior to completing the Sale.

Responsibilities

City Council authority for the Corporation to dispose of Real Property is required and is based on the Corporation meeting Council's stated objectives for achieving optimal value as established when Council approves the transfer of the Real Property in accordance with the Corporation's Acquisition Policy.

Currently the Office of the City Clerk and Solicitor is responsible for providing legal services and advice on real property transactions, the Corporation shall reserve the right to procure external legal services to advice on legal matters.

Monitoring/Contraventions

The Corporation's staff members shall monitor the application of this Policy to ensure that all policy requirements are met.



STAFFING POLICY

Policy Statement

Build Ottawa (the "Corporation"), previously the Ottawa Community Land Development Corporation, was created in accordance with the Council Report ACS2007-BTS-RPM-0008 of October 10, 2007. Resources for the Corporation, unless otherwise authorized by the Board of Directors of the Corporation, will be purchased from the City on a cost recovery basis with the prime resource being an independent unit of the Corporate Real Estate Office with capability and responsibility to implement strategic real estate development projects ("Build Ottawa staff") as per Document 4 of the Report. Build Ottawa staff are hired in accordance with the City of Ottawa Recruitment and Staffing Policy.

Services provided by the City to the Corporation will be in accordance with approved City policies and procedures except where otherwise authorized by Council and the Board of Directors of the Corporation.

PROCUREMENT OF GOODS AND SERVICES POLICY

Policy Statement

Build Ottawa (the “Corporation”) is committed to procuring goods, services and construction at the best value while also ensuring a clear, transparent and equitable procurement process accessible to all bidders/suppliers allowing the Corporation to meet its objective/mandate.

Purpose

The purpose of this Policy is to provide policies for the procurement of goods and services as required by Section 270 (2) of the *Municipal Act 2001*, as amended.

Application

This policy applies to the Corporation, members of the Board of Directors of the Corporation, and Build Ottawa staff involved in the procurement of goods or services on behalf of the Corporation.

Policy Requirements

Goals and Objectives

1. The goals and objectives of this Procurement of Goods and Services Policy and each of the methods of purchasing authorized herein (Appendix A – Procurement Procedures) are intended:
 - a) To use competitive process wherever appropriate.
 - b) To provide the appropriate conventions to ensure that the Corporation obtains the best value for goods and services while operating within available funding.
 - c) To ensure open and transparent administration of the purchasing function.
 - d) To keep adequate records of the selection process and, upon request, provide feedback to unsuccessful bidder/supplier.

General

1. The Corporation reserves the following rights to be exercised in its sole, absolute and unfettered discretion, without any liability whatsoever to any potential bidder/supplier:
 - a) To cancel any procurement at any time up to contract award.
 - b) To reissue any cancelled procurement at any time for any reason.
 - c) To seek clarification in writing or by way of a meeting(s) of the contents of any submission, or to require a bidder/supplier to submit further documentation for clarification.
 - d) If only one submission is received, the Corporation has the right to accept if it is deemed to be reasonable.
 - e) To accept or reject any or all tenders received, should it be deemed in the best interest of the Corporation.
 - f) To not accept any submissions.



- g) To reject any submission if the supplier or any officer or director of the bidder/supplier, either directly or indirectly through a corporation or personally, is engaged in a legal action against the Corporation or the City of Ottawa.
2. All submissions to the Corporation will become the property of the Corporation and will not be returned.

Responsibilities and Authorities

1. The Corporation has the authority to award contracts in the circumstances specified in this policy.
2. The Corporation may be required to provide evidence that the contract pricing represents fair market value.
3. The Corporation has authority to cancel a bid solicitation at any time up to a contract award.
4. The Corporation shall not award a contract that could result in the establishment of an employee – employer relationship.
5. The Corporation shall ensure that the confidentiality of any bid submitted is maintained in accordance with *Municipal Freedom of Information and Protection of Privacy Act*, as amended.

APPENDIX A – PROCUREMENT PROCEDURES

The following are authorized as the acceptable procedures for the procurement of goods, services and construction by the Corporation. In all cases, procurement practices shall be governed by the values, policies, and strategic mandate and objectives of the Corporation.

Procurement by the Corporation may be subject to the provisions of trade agreements. Where an applicable trade agreement is in conflict with these Procedures, the trade agreement shall take precedence.

(1) Requirement for Approved Funds and Total Project Costs

The exercise of authority to award a contract is subject to the identification and availability of sufficient funds in appropriate accounts within Board approved estimates.

Where this policy prescribes financial limits on contracts that may be awarded on the authority of the Corporation or provides for financial limits on contracts required to be reported to the Board of Directors or Council, for the purpose of determining whether a contract falls within these prescribed limits, the contract amount shall be the sum of all costs to be paid to the supplier under the contract, excluding taxes.

(2) Sole Sourcing/Non-Competitive

The Corporation may sole source for the procurement of goods, services or construction in the following circumstances:

- i) Goods or services ensures compatibility with existing products, maintains exclusive rights such as patents or copyrights or maintains specialized products;
- ii) When it is a unique product or service where only one supplier can produce it and there are no other substitutes;
- iii) There is a statutory monopoly;
- iv) Service to be provided can only be performed by the supplier (i.e. software code changes, work on a leased building);
- v) When there is an extraordinary circumstance of urgency and the goods or services cannot be obtained on a timely basis through an open procurement process;
- vi) When goods or services are of a confidential nature and an open competitive process would compromise intellectual property or the safety of the Corporation or its employees;
- vii) Where it can be demonstrated that significantly higher costs would be incurred unless sole sourced (i.e. completing a second phase of a study);
- viii) The value of the contract is too small to support a competitive process:
 - a. Goods and Services up to \$2,500; or
 - b. Professional services up to \$50,000;
- ix) Where there is an absence of proposals in response to a procurement process;

- x) Where a partner offers a cost effective advantage (i.e. subcontractor) or owns interests (real estate or otherwise) that would provide a cost effective solution;
- xi) The compatibility of a purchase with existing equipment, facilities or service is a paramount consideration and the purchase must be made from a sole source;
- xii) Goods are purchased for testing or trial use up to a maximum of \$10,000;
- xiii) The Corporation has a rental contract with a purchase option and such purchase option provides best value to the Corporation; or
- xiv) For matters involving security or confidential issues, a purchase may be made in a manner that protects the confidentiality of the contractor or the Corporation.

The relevant details surrounding such a sole source purchase shall be reported to the Corporation at the next possible meeting following the award.

(3) Request for Standing Offer (Up to \$150,000)

The Corporation may issue a request for standing offer if none currently exists with the City Supply Management for goods, services or construction under any of the following conditions:

- i) Where it is important that the Corporation be guaranteed a continuous supply of goods, services or construction;
- ii) A need is anticipated for a range for goods, services and construction for a specific purpose but the actual demand is not known at the outset and delivery is to be made when a requirement arises;
- iii) The volume of goods, services and construction over the course of a year is high;
- iv) Economies of scale can be achieved by eliminating multiple low-value bids; or
- v) The use of goods, services or construction required is repetitive in nature.

Where requests for standing offer are in place with the City Supply Management, they may be used for the purchase of goods, services or construction required by the Corporation.

All conditions stipulated in the requests for standing offer must be met by the Board of Directors of the Corporation.

A call-up against a standing offer is considered to be an individual contract, and the normal contract award prescribed limits apply, unless otherwise stated in the original approval document.

(4) Request for Quotation (Less Than \$100,000)

The Corporation may conduct a request for quotation for any good, service or construction less than \$100,000.00.

The request for quotation is a bid solicitation where at least three (3) written quotes are solicited from suppliers without formal advertising or receipt of sealed bids. Three quotations shall be solicited, either by telephone or in writing. In all cases, written documentation with respect to the solicitation and any quotations received is to be kept on the procurement file. Notwithstanding the requirement



to solicit a minimum of three (3) quotations, the Corporation shall not be precluded from awarding the contract to a qualified bidder in the event that three quotations are not received.

(5) Request for Tender (Greater Than \$100,000)

The Corporation may conduct a request for tender for any good, service or construction having a contract value of one hundred thousand dollars (\$100,000) or more. Any request shall include detailed requirements such as specifications, drawings or a scope of work. These requirements will be defined by staff or consultants with appropriate technical and subject matter expertise.

Notice of the request for tender shall be given:

- By using the electronic tendering system;
- By requesting submissions from those suppliers contained in a list of vendors maintained by the City's Supply Services who appear best qualified to meet the provisions of the tender; or
- By any combination thereof which will result in appropriate notice being given of the request for tender.

Requests for tender shall be used where all of the following criteria apply:

- Two or more sources are considered capable of supplying the goods, service or construction;
- The goods, service or construction is adequately defined to permit the evaluation of tenders against clearly stated criteria;
- The market conditions are such that tenders can be submitted on a common pricing basis; and
- It is intended to accept the lowest-priced responsive tender without negotiations.

Sealed tenders but no public opening is required.

(6) Request for Proposal (Greater Than \$100,000)

The Corporation may conduct a request for proposal for any goods, service or construction having a contract value of one hundred thousand dollars (\$100,000) or more. Any request shall include detailed requirements such as specifications, drawings or a scope of work. These requirements will be defined by staff or consultants with appropriate technical and subject matter expertise. Notice of the request for proposal shall be given by formal advertising and/or on-line tendering may be utilized and/or notice shall also be given to all bidders who were required to be pre-qualified and to all bidders.

Request for proposal shall be used where, after applying the following criteria, it is determined that the request for proposal is the most appropriate form of procurement:

- The procurement is required as a result of a problem, requirement or objective;
- Selection of the supplier depends more upon the effectiveness of the proposed solution, than the price alone;
- One or more of the criteria for issuing a tender cannot be met;

- Negotiation with one or more bidders may be required with respect to any aspect of the contract;
- The precise goods, service or construction, or the specifications therefore are not known or are not definable and it is expected that bidders will further define them.
- A selection committee, composed of a minimum of two Corporation staff, shall review all proposals against the established criteria and reach consensus on the final rating results and ensure that the final rating results with supporting documents are kept on the procurement file.

Sealed proposals but no public opening is required.

(7) No Acceptable Bids or Equal Bids Received

Negotiation may be used for the procurement of goods, services or construction for contracts of any value when any of the following criteria apply:

- Where bids are received in response to a bid solicitation but exceed budget, are not responsive to the requirement or do not represent fair market value, a revised solicitation shall be issued in an effort to obtain an acceptable bid unless;
- The Corporation waives the need for a revised bid solicitation and enter negotiations with the lowest responsive bidder or the highest responsive bidder for a revenue-driven selection emanating from a bid solicitation under the following circumstances:
 - The total cost of the lowest responsive bid is in excess of the funds appropriated by the Board of Directors of the Corporation for the project or the divisional highest responsible bid revenue is less than that made in appropriate accounts in the Corporation approved division estimates, and
 - The Corporation agrees that the changes required to achieve an acceptable bid will not change the general nature of the requirement described in the bid solicitation.
- In the case of building construction contracts, where the total cost of the lowest responsive bid is in excess of the appropriation made by the Board of Directors, negotiations shall be made in accordance with the guidelines established by the Canadian Construction Documents Committee.
- If two equal bids are received, a means of breaking the tie consistent with the provisions of the solicitation shall be employed. Factors to be considered in breaking the tie include:
 - Prompt payment discount,
 - When delivery is a key factor, the bidder offering the best delivery date shall be given preference,
 - A bidder in a position to better after sales service, with a good record in this regard, be given preference,
 - A bidder with an overall satisfactory performance record be given preference over a bidder know to have an unsatisfactory performance record,
 - A local bidder shall be given preference over a non-local bidder.

The relevant details surrounding a negotiated contract award shall be reported to the Corporation at the next scheduled meeting following the award.

(8) Debriefing Process

Any unsuccessful bidder/supplier may submit a written request to the Corporation's contact person identified in a procurement process for a debriefing. This request must note the details of their concern and the procurement which they are lodging a request.

The Corporation's Chief Operating Officer will then review the details of the request and may schedule a meeting/teleconference with the bidder/supplier to review the procurement. If required, the Corporation's Board of Directors will decide on any appropriate corrective measures.

(9) Guarantees of contract execution and performance

The Corporation may require that a bid be accompanied by a bid bond or other similar security to guarantee entry into a contract. In addition to this, the successful supplier may be required to provide a performance bond to guarantee the faithful performance of the contract, and a payment bond to guarantee the payment for labour and materials to be supplied in connection with the contract.

The Corporation shall select the appropriate means to guarantee execution and performance of the contract. Means may include one or more of, but are not limited to, financial bonds or other forms of security deposits, provisions for liquidated damages, progress payments and holdbacks.

Prior to commencement of work and where deemed appropriate, evidence of liability insurance coverage satisfactory to the Corporation must be obtained, ensuring indemnification of the Corporation and the City of Ottawa from any and all claims, demands, losses, costs or damages resulting from the performance of a supplier's obligations under the contract.

Prior to payment to a supplier, a Certificate of Clearance from the Workplace Safety Insurance Board (WSIB) shall be obtained ensuring all premiums or levies have been paid to the WSIB to date.

The Corporation shall ensure that guarantee means selected will:

- i) Not be excessive but sufficient to cover financial risks to the Corporation;
- ii) Provide flexibility in applying leverage on a supplier so that the penalty is proportional to the deficiencies, and
- iii) Comply with provincial statutes and regulations.

Financial bonds for contract performance shall only be required where the Corporation will be exposed to costs if the contractor does not complete the requirements of the contract.

If the risk to the Corporation is not adequately limited by the progress payment provisions of the contract, a minimum payment holdback of 10% shall be mandatory on all contracts exceeding \$25,000.

The Corporation may release the holdback funds on construction contracts upon:

- i) The contractor submitting a statutory declaration that all accounts have been paid and that all documents have been received for all damage claims,
- ii) Receipt of clearance from the Workplace Safety and Insurance Board for any arrears of Workplace Safety and Insurance Board assessment,
- iii) All the requirements of the Constructions Liens Act being satisfied,
- iv) Receipt of certification from the City Solicitor, where applicable, that liens have not been registered, and
- v) Certification from the Project Manager under whom the work has been performed that the conditions of the contract have been satisfied.

The conditions for release of holdback funds provided in this section apply to other goods or services contracts with necessary modifications.

(10) Irregularities Contained in Bids

The Corporation's Chief Operating Officer has the discretion to reject any bid which does not include all components of the solicited bid process.

(11) Contractual Agreement and Contract Amendments

The award of contract may be made by way of an agreement, a letter of award or as a purchase order.

A purchase order is to be used when the resulting contract is straightforward and will contain the Corporation's standard terms and conditions.

A formal agreement is to be used when the resulting contract is complex and will contain terms and conditions other than the Corporation's standard terms and conditions.

No amendment or revision to a contract shall be made unless the amendment is in the best interest of the Corporation. No amendment that changes the price of a contract shall be agreed to without a corresponding change in requirement or scope of work.

(12) Extraordinary Circumstance Purchases

When the Corporation's Chief Operating Officer (COO) is of the opinion that an extraordinary circumstance to warrant a non-competitive purchase exists, any signing officer of the Corporation may authorise the purchase of such goods, services and construction as is considered necessary to remedy the situation without regard to the requirement for a bid solicitation and may award the necessary contract.

The relevant details surrounding the application of this section shall be included in an upcoming report to the Board.

GLOSSARY

Appraisal - a written estimate of current market value prepared by qualified staff of the City or an independent qualified appraiser.

Award means authorization to proceed with the purchase of goods, services and construction from a chosen bidder/supplier.

Authority means Build Ottawa's authority.

Best value means the optimal balance of performance and cost determined in accordance with a pre-defined evaluation plan.

Bid means a binding offer from a bidder/supplier in response to a bid solicitation.

Bid solicitation means a formal request for bids that may be in the form of a request for quotation, request for qualifications, request for tender, request for proposal or request for standing offer.

City means the City of Ottawa.

Construction means a construction, reconstruction, demolition, repair or renovation of a building, structure or other civil engineering or architectural work and includes site preparation, excavation, drilling, seismic investigation, soil investigation, the supply of products and materials and the supply of equipment and machinery if they are included in and incidental to the construction, and the installation and repair of fixtures of a building, structure or other civil engineering design or architectural work, but does not include professional services related to the construction contract unless they are included in the specifications for the procurement.

Contract means a binding agreement by way of a Purchase Order or Purchase Order incorporating a formal agreement or a formal agreement between two or more parties that creates an obligation to do or not to do a particular thing.

Council means the Council of the City.

Employee-employer relationship means a relationship that exists where persons for pay or other consideration enter into the service of others and devote their personal labour for any given period and the other person has the power or right to control or direct the person in the material details of how the work is to be performed.

Extraordinary circumstance means an event or circumstance where the immediate purchase of goods or services or the entering into of a contract is essential or necessary to prevent or alleviate a threat to public health, safety or welfare, the disruption of essential services or damage to Corporation property or any expenditure that is necessary to respond to any emergency of the Corporation.

Fair market value means the price of goods or services that would be agreed to in an open and unrestricted market between knowledgeable and willing parties dealing at arm's length who are fully informed and not under any compulsion to transact.

Goods means moveable property including,

- a. the costs of installing, operating, maintaining or manufacturing such moveable property, and
- b. raw materials, products, equipment and other physical objects of every kind and description whether in solid, liquid, gaseous or electronic form, unless they are procured as part of a construction contract.

Market Value - the highest price a willing buyer would pay and a willing seller would accept, both parties being fully informed, and the real property being marketed for a reasonable period of time.

Optimal Value means the value to be obtained by the Corporation upon its disposal of real property taking into account, in each case, the specific objectives established by Council pertaining to both financial and non-financial value in granting approval for the transfer of City owned real property to the Corporation.

Professional services means services requiring the skills of professionals for a defined service requirement or for a specific project related deliverable including but not limited to the areas of engineering, architecture, design, planning, information technology, financial auditing and fairness commissioners.

Purchase means to acquire goods, services or construction by purchase, rental, lease or trade.

Purchase order means a written offer to a bidder/supplier formally stating all terms and conditions for the purchase of goods, services or construction or a written acceptance of an offer received in accordance with this policy.

Quote means a bid submitted in response to a Request for Quotation.

Real Property - land and/or buildings and all improvements thereon and for which a building permit can be granted.

Request for proposal is a process to obtain proposals for goods and services from qualified bidders/suppliers where the needs of the Corporation can be met by different methods. Proposals are evaluated against pre-determined criteria and the selection process may include discussion and negotiation with bidder/suppliers. A Request for Proposal may or may not result in an award by Corporation or a contractual obligation between the parties.

Request for quotation is a process to obtain goods and services where the requirements or the scope of work can be clearly defined in the request such that price is the sole differentiation between qualified bids.



Request for standing offer is a process to obtain goods and services means an offer from a supplier that allows the Corporation to purchase frequently ordered goods, services or construction from suppliers at prearranged prices, under set terms and conditions, when and if these are requested but no contract exists until the Corporation places an order against the Standing Offer.

Request for tender is a process to obtain goods or services where bidders/suppliers must meet requirements such as capacity, experience, capability and other conditions, in addition to pricing. These conditions are evaluated and scored on both qualitative and quantitative criteria, some of which may be mandatory, in order to secure best value to the Corporation.

Sale the disposal-or exchange for other real property of any of the City's Real Property that has been declared surplus but does not include the leasing of City-owned Real Property or the granting of an easement or right-of-way.

Sole source means the purchase of a good, service or construction where there is only one available supplier of that good, service or construction that meets the needs or requirements of the Corporation.

Surplus real property - real property that is not required to meet the current or future program or operational requirements of the City and that has been declared to be surplus by Council or its delegated authority.

LEGISLATIVE AND ADMINISTRATIVE AUTHORITIES

Affordable Housing Land and Funding Policy
Agreement on Internal Trade (www.ait-aci.ca)
Bill 23, *More Homes Built Faster Act, 2022* - Legislative Assembly of Ontario (ola.org)
Competition Act (<http://laws-lois.justice.gc.ca/eng/acts/c-34/>)
Corporations Act
Criminal Code of Canada (<http://laws-lois.justice.gc.ca/eng/acts/C-46/>)
Expropriation Act
Lobbying Act (<http://laws-lois.justice.gc.ca/eng/acts/L-12.4/>)
Municipal Act, 2001, as amended
Ontario Heritage Act
Parkland Acquisition and Funding Through Property Disposal Policy
Planning Act
City of Ottawa Procurement By-law
Recruitment and Staffing Policy