

1. 2018 – PROCUREMENT YEAR IN REVIEW

2018 – L'ANNÉE DE L'APPROVISIONNEMENT EN RÉVISION

COMMITTEE RECOMMENDATION

That Council receive this report for information.

RECOMMANDATION DU COMITÉ

Que le Conseil reçoive le présent rapport à titre d'information.

DOCUMENTATION/DOCUMENTATION

1. Chief Procurement Officer's report, dated 26 April 2019 (ACS2019-CSD-PRO-0001).

Rapport du Chef de l'approvisionnement, daté le 26 avril 2019 (ACS2019-CSD-PRO-0001).

**Report to
Rapport au:**

**Finance and Economic Development Committee
Comité des finances et du développement économique
7 May 2018 / 7 mai 2019**

**and Council
et au Conseil
22 May 2019 / 22 mai 2019**

**Submitted on April 26, 2019
Soumis le 26 avril 2019**

**Submitted by
Soumis par:**

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Ward: CITY WIDE / À L'ÉCHELLE DE LA VILLE File Number: ACS2019-CSD-PRO-0001

SUBJECT: 2018 – PROCUREMENT YEAR IN REVIEW

OBJET: 2018 – L'ANNÉE DE L'APPROVISIONNEMENT EN RÉVISION

REPORT RECOMMENDATIONS

That the Finance and Economic Development Committee and Council receive this report for information.

RECOMMANDATIONS DU RAPPORT

Que le Comité des finances et du développement économique et le Conseil reçoive le présent rapport à titre d'information.

EXECUTIVE SUMMARY

In 2018, Supply Services awarded \$1.0 billion in contracts, this includes all purchases made under delegation of authority (\geq \$15,000) as well as purchases approved by Council, the Library Board and the Police Board. Of the total \$1.0 billion in contracts awarded in 2018, the value of contracts awarded under delegation of authority represents \$869 million.

The guiding principle of the Procurement By-law is that purchases be made using a competitive process that is open, transparent and fair to all suppliers. Of the \$869 million awarded under delegation of authority, after adjusting for contracts where the City had no option but to award to a specific supplier (for example, contracts pertaining to utilities, patents and copyrights, and where for technical reasons no alternative supplier exists), 94 per cent was awarded competitively. This figure is consistent with procurement activity in past years.

In 2018, Supply Services continued its focus to align procurement strategies with corporate business strategies leading to better operational and financial outcomes. A number of these initiatives are highlighted in this report and include updates on the vendor performance management program, electronic bidding project and contract administration enhancements.

The City continued to be a strong consumer of local products in 2018, spending approximately 90 per cent of its annual purchasing dollars on goods and services from the local community. This figure remains consistent with previous years and shows the City's strong commitment to supporting the local supplier community.

As part of the solicitation process, bidders are encouraged to offer the City a discount for prompt payment of invoices. In 2018, the City obtained \$1,206,479 in prompt

payment discounts. This figure remains consistent with the previous year and represents an 83 per cent increase over 2016.

This report also includes information on sustainable purchasing, a review of purchases made by Purchasing Cards and Payment Without Reference, Public-Private Partnerships (P3) project updates, diesel fuel hedging and a consolidated summary of all purchasing activity \geq \$25,000 by vendor awarded under delegation of authority.

RÉSUMÉ

En 2018, En 2018, les Services de l'approvisionnement ont octroyé des contrats d'une valeur totale de 1,0 milliard de dollars. Cette somme comprend les achats effectués en vertu de pouvoirs délégués (15 000 \$ ou plus) et ceux approuvés par le Conseil municipal, le Conseil d'administration de la Bibliothèque publique d'Ottawa et la Commission de services policiers d'Ottawa. Sur le 1,0 milliard de dollars de contrats octroyés en 2018, 869 millions de dollars ont été attribués en vertu de pouvoirs délégués.

Le principe directeur du *Règlement sur les approvisionnements* veut que tous les achats soient réalisés au moyen d'un processus concurrentiel ouvert, transparent et équitable pour tous les fournisseurs. En excluant les cas où la Ville n'avait pas le choix du fournisseur (p. ex. lorsque le contrat touche aux services publics, aux brevets et aux droits d'auteur ou lorsque, pour des raisons techniques, aucun autre fournisseur n'est disponible), 94 % des 869 millions de dollars attribués en vertu de pouvoirs délégués ont fait l'objet d'un processus d'appel d'offres concurrentiel. Ce pourcentage cadre avec les données sur l'approvisionnement recueillies au cours des dernières années.

En 2018, les Services de l'approvisionnement ont poursuivi leur travail d'harmonisation des stratégies d'approvisionnement et des stratégies opérationnelles de la Ville, ce qui a donné lieu à une amélioration des résultats opérationnels et financiers. Le présent rapport décrit certaines des initiatives mises en œuvre en ce sens, dont le programme de gestion du rendement des fournisseurs, le projet de présentation des soumissions par voie électronique et les améliorations apportées à l'administration des contrats.

La Ville a continué de consommer beaucoup de produits locaux en 2018, ayant consacré environ 90 % de son budget d'achat annuel à des biens et services offerts localement. Ce pourcentage est constant depuis quelques années et témoigne de l'engagement de la Ville à soutenir les fournisseurs de la communauté locale.

Dans le cadre des appels d'offres, les soumissionnaires sont invités à offrir à la Ville un escompte pour paiement rapide des factures. En 2018, la Ville a obtenu des escomptes pour paiement rapide totalisant 1 206 479 \$. Ce chiffre demeure constant par rapport à l'année précédente et représente une augmentation de 83 % par rapport à 2016.

Le présent rapport comprend aussi des renseignements sur l'approvisionnement responsable, un examen des achats effectués par cartes d'achat et par l'intermédiaire de paiements sans référence, une mise à jour sur les projets de partenariats public-privé, de l'information sur la stratégie de couverture contre les fluctuations des prix du carburant et, enfin, un résumé des achats de 25 000 \$ ou plus par fournisseur effectués en vertu de pouvoirs délégués.

BACKGROUND

This report summarizes the procurement activity for the 2018 year and provides updates on the objectives and future procurement goals for the City. This report analyzes purchases made by the City on a strategic, as well as a statistical basis, in order to provide a clear picture of the operations of the City for the year 2018. It is a useful tool used by both management and client groups within the City to identify purchasing trends and share information on strategic initiatives conducted during the year.

The majority of the information contained in this report is drawn from semi-annual reports prepared for Committee and Council throughout the year. These reports are a requirement of the Procurement By-law and require all contracts \geq \$25,000, which are awarded under delegated authority, to be reported.

The first semi-annual report, identifying contracts awarded from January 1 to June 30, 2018, was scheduled to be presented in late 2018. As Committees and Council were not sitting at the time, as a result of the election, there was no opportunity to present this data in 2018. This data is included as Document 5 of this report.

The contracts awarded from July 1 to December 31, 2018 are included as Document 6 of this report.

Document 1 of this report provides a consolidated summary of the information provided in Documents 5 and 6, showing the total value purchased from each individual vendor for 2018 awarded under delegation of authority \geq \$25,000.

In addition to this report to the Finance and Economic Development Committee, Supply Services also prepares procurement reports for the Transit Commission, the Ottawa Board of Health, the Ottawa Police Services Board and the Ottawa Public Library Board.

DISCUSSION

Section 1: 2018 Procurement Summary

In 2018, Supply Services awarded \$1.0 billion in contracts, this includes all purchases made under delegation of authority (\geq \$15,000) as well as purchases approved by Council, the Library Board and the Police Board. Of the total \$1.0 billion in contracts awarded, the value of contracts awarded under delegation of authority in 2018 represents \$869 million.

In 2018, contracts awarded under delegation of authority valued at greater than or equal to \$100,000 represented 92 per cent of the total expenditure. Although the majority of purchasing value was derived from purchases valued at greater than \$100,000, a significant number of contracts (58 per cent) were issued in the \$15,000 to \$100,000 range.

Section 2: Procurement Trends, Market Information and Legislative Update

Supply Services continues to evaluate its processes in the evolving context of domestic and international trade. From a global perspective, the economic uncertainty borne out of the United States' trade policies, its introduction of tariffs, and the United Kingdom's separation from the European Union continued throughout 2018. The international trade environment remains in flux given uncertainty around the United States' ratification of the *Canada United States Mexico Agreement* (CUSMA) and the as yet unknown ramifications of the United Kingdom's withdrawal from the European Union. In addition to the CUSMA, Canada also ratified the *Comprehensive and Progressive Agreement for Trans-Pacific Partnership* (CPTPP), the multi-country trade agreement reimaged without the participation of the United States.

This ever changing and evolving legislative and legal framework within which public procurement in Canada operates has been identified as the most significant risk impacting Supply Services. To mitigate this risk, Supply Services actively monitors changes to trade agreements, legislation, and legal interpretations thereof, and

proactively updates procurement policies and practices as necessary to remain compliant.

Most notably, Supply has identified outstanding risks in the interpretation of new obligations imposed by the *Canadian Free Trade Agreement* (CFTA) and the *Canada-European Union Comprehensive Economic and Trade Agreement* (CETA) with respect to ambiguous requirements around vendor debriefings and complicated requirements relating to procurement posting periods.

Legislative changes also had a significant impact on Supply Services in 2018. Most notably, portions of Ontario's amended *Construction Act* came into force and required Supply to conduct extensive research in order to identify risks to the City and collaborate with various City departments to bring relevant procedures into compliance. Mandatory changes with respect to payment holdbacks were identified and addressed, and Supply Services continues to coordinate with Legal Services and Infrastructure Services to determine what additional changes would advantage the City.

Supply Services is also aware of the risks imposed by other changes to the *Construction Act* which will come into effect in October 2019, most notably the introduction of prompt payment and adjudication regimes. The imposition of financial penalties will increase the City's risk profile and will therefore increase the importance of the City's change management in respect of this new legislation.

In the 2018 Procurement Law Update Year in Review published by the Procurement Law Office, Canada maintained its position as the highest risk jurisdiction in which to conduct federal public procurement due to its highly interventionist court system and the court's willingness to award lost profit claims to successful vendor litigants. Although public procurement at provincial and municipal levels is identified as slightly less risky than federal-level procurement, the application of both commercial and administrative law remedies means that Canada remains a jurisdiction that imposes a high standard on all purchasing entities. This demonstrates the importance of ensuring that appropriate terms, conditions and risk mitigation strategies are included in City contracts and that the mandate of conducting open, fair and transparent contracting is adhered to.

Section 3: Strategic Procurement Initiatives in 2018

In 2018, Supply Services continued its focus to align procurement strategies with corporate business strategies leading to better operational and financial outcomes.

Below is a sampling of initiatives undertaken in 2018, which demonstrate elements of innovative thinking, strategic sourcing methodologies, best value, improved contract administration, total cost of ownership purchasing strategies and enhancements in the delivery of the procurement function to client departments and residents of the City.

Vendor Performance Management System

Vendor Performance Management (VPM) is a program for evaluating the performance of vendors who contract with the City. The program, which was developed through extensive consultations with the supplier community in 2014, became operational in January 2015. Formal performance evaluations are conducted for construction projects valued over \$100,000 and professional engineering services contracts valued at over \$15,000. The key objectives of the program are to improve communication between the City and the vendor, provide feedback with the goal of performance excellence and build a history of performance over time.

At the end of Q4 2018 the program has resulted in:

- 2,143 projects having been opened for evaluation,
- An average vendor score of 80%, with 1,449 final evaluations completed,
- Over 97% of projects having received a score that is satisfactory or greater,
- Only 1% of project scores having been appealed
- An average of 5 projects evaluated per vendor,
- Consistent positive feedback from industry on the resulting improvements in communication and consistency, and
- Improved contract administration and project management practices.

The difference in the number of projects opened for evaluation and the number of completed projects with final evaluations is due to the fact that many projects opened for evaluation span multiple years. Moreover, the final evaluation is only completed after an internal review process to ensure accuracy and consistency in evaluations and a vendor appeal period.

Supply continued to consult with the various industry associations in 2018 regarding the implementation of VPM scores in contract awards. Feedback provided by both internal staff and the vendor community has been positive and as a result, Supply has begun using VPM scores in its contract award decisions.

eProcurement – Pilot Project

The initial eProcurement Pilot Project involved the implementation of a more efficient electronic bid solicitation process for simpler Request for Quotation (RFQ) procurements valued up to \$100,000. This more efficient process includes; software, which makes it easier for vendors to prepare and submit compliant bids, automated real-time notifications of new bid opportunities or addendums and the streamlining of certain administrative tasks such as the automatic publishing of unofficial bid results.

Building from the success of Phase 1 of this project, Request for Standing Offers were converted to eProcurement. Phase 2, initiated in 2018, involved expanding the scope of the project to include all solicitation types beyond Request for Quotations (RFQ) and Request for Standing Offer (RFSO) (ex. Requests for Proposals, and Requests for Tenders) regardless of dollar value. Each solicitation type has required a unique review to understand the process, from both the City and vendor perspective, and to identify required process changes in order to alleviate potential barriers prior to transitioning to eProcurement.

At the end of 2018, 228 solicitations had been completed in a fully electronic format through the City's eProcurement system.

The benefits of eProcurement expansion are realized in conjunction with Supply Services' goal of transitioning away from physical file storage. Supply Services will continue to align its electronic record management strategy with eProcurement while also reviewing additional areas where physical files exist in order to continue its transition to fully electronic file storage.

Purchasing Card Expansion

As a result of a positive audit of the City's credit card program in 2012, and the approval of a new Payments to Vendors Policy in 2014, Supply Services began a targeted purchasing card (Pcard) expansion initiative for vendors and contracts that traditionally involve high volumes of invoices and low average dollar amounts per transaction. The Pcard expansion seeks to increase both the total spent using Pcards as well as the number of transactions that use the Pcard program. In 2018, the City continued to build upon the successes of its Pcard expansion efforts by adding a further \$52.2 million spent using Pcards as a result of this initiative. This represents a 95 per cent increase over the previous year, largely due to the onboarding of key strategic vendors to the

new ePayables solution rolled out in 2017, which allows for the payment of invoices by virtual credit card. This new functionality provides an additional tool to assist Supply Services in its expansion efforts throughout the City and continue to grow the overall amount spent using the Pcard program.

In addition to the increased amount of spend, 20,000 transactions were eliminated from invoice processing through the use of the Pcard and consolidated billing opportunities in 2018. In total, the expansion initiative has increased Pcard expenditures by \$103.5 million and eliminated 78,000 transactions since inception. In 2019, the City expects to add a total of \$57 million to the program through these expansion initiatives. As identified in the memo from the City Manager to the Mayor and Members of Council dated February 7, 2019, a portion of the savings achieved through the use of Pcard are re-invested into a Source-to-Pay solution. The remainder are used for various corporate efficiencies and priorities. Once implemented, the Source-to-Pay solution is expected to generate a further \$1.37 million return on investment annually over and above the current Pcard and prompt payment discounts (PPD) revenue generated.

Prompt Payment Discounts

As part of the bid solicitation process bidders are encouraged to offer the City a discount for prompt payment of invoices. This prompt payment discount is taken into consideration in the submission evaluation and contract award, provided that the minimum period for payment is 15 days.

An initiative was launched at the end of Q4 2016 to increase prompt payment discount achievement on contracts administered through Supply Services. Weekly discount reviews are conducted to proactively identify opportunities and to recover lost discounts caused by vendor invoice submission errors. As a result of all efforts undertaken by Supply Services, the City achieved a total of \$1,206,479 in prompt payment discounts in 2018 including \$72,017 of discounts recovered in 2018 predominantly from vendor errors. This figure is consistent with the previous year and represents an 83 per cent increase since 2016.

Payment without Reference

A payment without reference to a contract is a legitimate payment method permitted within corporate procedures and is recognized in the Procurement By-law. These types of payments provide a cost-effective process for low dollar value goods where a

traditional purchase order does not exist and where purchasing card is not an acceptable method of payment. As payments without reference are not processed through Supply Services, an assessment of their compliance with the Procurement By-law can only be made after the fact.

The Procurement By-Law requires Supply Services to report on all supplier-based activity, with cumulative purchases greater than \$25,000, paid without reference to a contract (Document 2). In 2018, purchases paid without reference to a contract totaled \$99.2 million. Of the \$99.2 million, \$50 million was paid to utility companies that have a monopoly on the provision of a good or service.

In 2018, 20 payments without reference transactions with ten vendors were identified as having been contracted in a manner not in compliance with the Procurement By-law. The total value of these transactions was \$990,994, or 0.99 per cent of the total value paid without reference to a contract in 2018.

In each case, Supply Services reviewed the payments with the client departments and has established appropriate procurement methods going forward.

Contract Administration Improvements

Contract Administration is an integral part of successful project delivery. The City ensures “best value” for taxpayers’ dollars, when suppliers deliver goods and services on time, and at the agreed price, quantity, and quality, in accordance with the contract requirements.

Supply Services has taken on a strategic role in assisting City departments in ensuring they have the framework in place to effectively oversee their contracts.

To this end, a formal Contract Administration Policy was developed in 2018 to provide guidance to departments on the best practices in contract administration, including:

- Accepting the delivery of goods and services in accordance with terms and conditions of the contract,
- Managing contract changes,
- Communicating effectively with suppliers,
- Resolving disputes, and

- Approving payment of invoices after determining that the deliverables are acceptable.

These procedures provide the foundation for consistent contract administration activities at the City.

In addition, the Finance 101 course at the Learning Centre and the New Manager Orientation training were updated to include contract administration best practices and the requirements of the Contract Administration Policy; and intact contract administration training was provided to various Service Areas across the City, including Information Technology Services, Service Ottawa, and Service Transformation. In 2019, training is intended to expand to all service areas within the Public Works and Environmental Services Department.

Section 4: Professional and Consulting Services

In 2018, professional service contracts totalled \$144 million and a further \$0.15 million of consulting service contracts were awarded under delegation of authority.

The total value of professional and consulting service contracts is consistent with previous years.

The procurement of professional engineering services is a required mandate approved by Council as part of the business outsourcing model strategy used by the City. By value, professional engineering services represent 68 per cent of all professional services procured by the City last year.

Section 5: Procurement Strategies – Competitive vs. Non-Competitive Purchases

As per the Procurement By-law, purchases are to be made using a competitive process that is open, transparent and fair to all suppliers. Of the \$869 million in contracts awarded under delegation of authority, \$762 million (88 per cent) were awarded using a competitive solicitation process.

Additionally, when this figure is adjusted to take into account contracts where there was no option but to award to a specific supplier (for example, contracts pertaining to utilities, patents and copyrights, and where for technical reasons no alternative supplier exists), the percentage of competitive purchases increases to 94 per cent. This figure is consistent with previous years.

All non-competitive contracts awarded centrally by Supply Services under delegation of authority were awarded in accordance with the rationales identified in section 22(1) of the Procurement By-law.

Section 6: Local Purchasing

The City of Ottawa continued to be a strong consumer of local products and services in 2018, spending approximately 90 per cent of the annual purchasing dollar in Ottawa, for goods and services, which are available in the local community. This figure has been calculated after adjusting overall purchasing to remove those goods and services consumed annually by the City, which are not available locally (e.g., transit buses are not manufactured in Ottawa, nor is winter rock salt mined locally).

Section 7: Sustainable Procurement

Sustainable and social procurement continues to be at the forefront in both the private and municipal sectors with increasing reliance placed on long-term sustainable procurement strategies. Supply Services continues to investigate innovative methods to incorporate sustainability and social benefits into procurement strategies and has also identified long-term sustainability planning and practices as a corporate priority.

In 2018, governments across Canada prioritized sustainable and social procurement, the federal government in particular. Bill C-344 has completed its first reading in the Senate and if passed would tie \$180 billion in infrastructure funding to community benefits including employment opportunities for disadvantaged groups, subcontracting opportunities for small or medium sized businesses and social enterprises, community infrastructure, and sustainable procurement. Supply Services continues to proactively research necessary changes to procurement processes to achieve these objectives in order to ensure compliance with the anticipated legislation and position the City to complete its infrastructure projects successfully.

In 2018, 96 per cent of the value of all procurements awarded under delegation of authority included sustainability criteria. This value is consistent with previous years.

The City also continues to actively participate in the Municipal Collaboration for Sustainable Purchasing (MCSP), which is made up of 19 public purchasing entities from across Canada and provides leadership and leverages collective experience, knowledge and resources to advance sustainable procurement initiatives.

In 2018 Supply Services also worked with Ottawa's Centre for Social Enterprise Development (CSED) to conduct an assessment of City departments' decentralized spending (valued at <\$15,000) to identify areas that have the potential to be served by social enterprises. Supply Services remains committed to finding innovative ways to facilitate relationships with enterprises that provide positive social outcomes in Ottawa communities.

Section 8: Assessing Supplier Performance

The City's Procurement By-law provides discretion to the General Manager, Corporate Services and City Treasurer, in consultation with the City Clerk and Solicitor, to prohibit an unsatisfactory supplier from bidding on future contracts. There were no companies barred from doing business with the City in 2018.

Section 9: Comprehensive Complaints Process

In 2018, there were seven formal complaints received under the comprehensive complaints process of the Procurement By-law. In all cases, the Chief Procurement Officer determined that the complaints did not disclose credible information to indicate that a breach of the terms of the procurement process or City policies had occurred.

Section 10: Public-Private Partnership Reporting

Annual Public-Private Partnership (P3) reports that provide status updates on P3 projects undertaken by the City of Ottawa, are attached as Document 4 to this report and include the following projects:

1. Superdome East – Indoor Artificial Turf Playing Field,
2. Ben Franklin Park Superdome,
3. Shenkman Arts Centre,
4. Bell Sensplex (West),
5. Richcraft Sensplex (East),
6. West Carleton Community Complex,
7. Ottawa Paramedic Service Headquarters, and
8. Garry J. Armstrong Long Term Care Centre and Allen House Seniors Residence.
9. Springhill Landfill

Note: the Ottawa Light Rail Project P3 and Lansdowne Park Redevelopment P3 reports will be provided under separate reports to Council.

Section 11: Diesel Fuel Hedging Strategy and Financial Agreements

To lock in price and secure the budget target, the City entered into 'Float to Fixed Bank Swap Agreements' with the Royal Bank of Canada, Canadian Imperial Bank of Commerce, Scotiabank and National Bank of Canada to fix 70 per cent of the anticipated 2019 diesel fuel consumption. The details of the transactions are attached in Document 3.

Financial Agreements

Document 3 also provides a detailed report on all subsisting Financial Agreements from operating departments engaged in commodity purchase agreements. Currently, the City enters into these agreements with respect to diesel fuel only. The report contains the following information and documents:

- A statement about the status of the agreements during the period of the report, including a comparison of the expected and actual results of using the agreements in comparison to the budget.
- A statement indicating whether all of the agreements entered into during the period of the report are consistent with the City's statement of policies and goals relating to the use of Financial Agreements to address commodity pricing and costs.
- A statement of transactions with financial institutions.

RURAL IMPLICATIONS

There are no rural implications associated with this report.

CONSULTATION

There is no public consultation required with this report.

COMMENTS BY THE WARD COUNCILLOR(S)

There are no comments by ward councillors with respect to this report.

ADVISORY COMMITTEE(S) COMMENTS

There are no comments or recommendations required by an Advisory Committee for this report.

LEGAL IMPLICATIONS

There are no legal impediments to receiving the information in this report.

RISK MANAGEMENT IMPLICATIONS

There are no risk management implications.

ASSET MANAGEMENT IMPLICATIONS

There are no asset management implications associated with this information report.

FINANCIAL IMPLICATIONS

Prior to a contract approval, Supply Services staff confirms that the appropriate funds are available in the budget, based on receipt of a funded requisition in SAP. The availability of funds is a condition of approval under the Procurement By-law.

ACCESSIBILITY IMPACTS

There are no accessibility implications associated with this information report.

TERM OF COUNCIL PRIORITIES

This report aligns with Term of Council Priorities with respect to Financial sustainability and Governance, Planning and Decision Making.

SUPPORTING DOCUMENTATION *(Held on file with the City Clerk)*

Document 1 - 2018 Consolidated Delegation of Authority Report Summary (≥ \$25,000)

Document 2 - 2018 Payments without Reference Report (Vendor Purchasing Activity ≥ \$25,000)

Document 3 - 2018 Annual Commodity Price Hedging Report as per By-law No. 2008 – 426

Document 4 - 2018 Public-Private Partnership (P3) Report Update

Document 5 - Contracts awarded \geq \$25,000 under delegation of authority for the period
January 1, 2018 to June 30, 2018

Document 6 - Contracts awarded \geq \$25,000 under delegation of authority for the period
July 1, 2018 to December 31, 2018

DISPOSITION

Report forwarded for information pursuant to the Procurement By-law.