



DISTRICT OF NORTH SAANICH

COUNCIL POLICY

TITLE: PURCHASING POLICY	NO. COU-054
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1.0 Policy Statement

This policy outlines the responsibilities and accountability associated with the acquisition of goods and services. This policy establishes objectives and principles that will assist District staff in:

1. Achieving the best value for goods and service;
2. Ensuring fairness, accountability and transparency through the purchasing process;
3. Encouraging competition in the market; and
4. Meeting the requirements of the Community Charter, The Local Government Act, the New West Partnership Trade Agreement (NWPTA), North American Free Trade Agreement (NAFTA), the Canadian Free Trade Agreement (CFTA), and public sector procurement standards.

2.0 Application

This policy applies to all employees, officers and other designated persons acquiring goods, services, rentals, leases and construction on behalf of the District.

3.0 Policy Objectives

1. Procure the necessary quality and quantity of goods and services in a fair, ethical and prudent manner. Encourage 'value for money' in the procurement of goods and services.
2. Encourage the most open bidding process practicable for the acquisition and disposal of goods and services.
3. Ensure the maximum value of an acquisition is obtained by determining the total cost of performing the intended function over the lifetime of the task. This may include, but not be

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limited to, acquisition cost, disposal value, disposal cost, training cost, maintenance cost, quality of performance and environmental impact.

- 4. Compliance with all applicable District policies and bylaws, any specific provisions of the Local Government Act, or other relevant legislation.
- 5. Monitor and report on the application of the District's purchasing policy. All purchases over \$25,000 and a sample of those under \$25,000 will be reviewed for compliance. Quarterly reports to Council will include performance metrics, a list of individual purchases over \$25,000, a summary of compliance, a summary of Direct Award Purchases made (if any), and a summary of awards made by Council.

4.0 Restrictions, Prohibitions and Exceptions

The following activities are prohibited:

- 1. The division of contracts or purchases to avoid the requirements of this policy.
- 2. Committing the District without the appropriate authority to do so. Refer to Tables 1 and 2 of this policy which contain the *Schedules of Purchasing Authorities and Responsibilities* on pages 10 and 11.
- 3. Purchase by the District of any goods or services for personal use for or on behalf of any member of Council, officers, employees of the District or their immediate families unless specifically authorized by Council.
- 4. The purchase of any District-owned goods by a member of Council, officers, employees of the District or their immediate families unless specifically authorized by Council.
- 5. District staff with direct or indirect interest in a vendor or potential vendor must disclose such interest in writing in order to ensure there are no adverse consequences from such conflict. Soliciting or accepting money, loans, credits, or prejudicial discounts, or the acceptance of gifts, entertainment, favours, or services is prohibited where it might influence, or appear to influence, purchasing decisions.
- 6. Making commitments to other parties or acquiring items through an agreement which extends beyond approved funding availability of the Five Year Financial Plan.

5.0 Authorities and Spending Limits

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Persons undertaking purchase actions must have written authorization to do so. All goods and services are to be acquired in accordance with this policy unless authorized on an exception basis by Council or the Chief Administrative Officer.

The Director of Financial Services holds the statutory responsibility and accountability for the acquisition of goods as well as protection and disposal of assets. This officer is responsible for the day-to-day administration of the Purchasing Policy and for employing such practices, processes, procedures or methods as are determined appropriate to the efficient and effective operation of purchasing services.

6.0 Roles and Responsibilities

Purchasing activities are decentralized to department managers and key staff, who are delegated the responsibility and authority for acquiring goods, equipment, services and construction for all operational and capital requirements as per Tables 1 and 2 of this policy which contain the *Schedules of Purchasing Authorities and Responsibilities*.

Directors and Managers Responsibilities - Directors are responsible to ensure that their staff understand and comply with the Purchasing Policy and to:

1. Ensure that all purchases are performed in accordance with this policy, unless the policy has been specifically waived by Council.
2. Delegate "Purchasing Acquisition Signing Authority" at appropriate levels to staff within their own department. The Director of Financial Services will review the delegation of signing authority within each department for appropriateness in relation to budget responsibilities. See Tables 1 and 2 of this policy which contain the *Schedules of Purchasing Authorities and Responsibilities*.
3. Ensure that all paper and electronic Purchase Requisitions properly include:
 - a. description of the materials and services requested;
 - b. appropriate general ledger account coding;
 - c. proper approval, including appropriate initials; and
 - d. proper competition in compliance with policy.
4. Conduct all business transactions in an ethical and professional manner.

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5. Ensure that funds have been provided in the approved budget for the proposed expenditures and that the purchase will not result in a budgetary overage.
6. Ensure that the District is able to meet its obligations within the terms of the contract and that it is likely the other party can meet their obligations.
7. Ensure that any contract complies with WorkSafe BC legislation, labour legislation, employee collective agreements, tax legislation, all trade agreements and other legislative and regulatory requirements.
8. Ensure the Financial Services department is informed of, and involved in, all competitive bid processes as required by this policy.

7.0 Financial Services Department Responsibilities

The Financial Services Department provides support to all municipal staff and acts on behalf of the District as authorized by Council in accordance with Tables 1 and 2 of this policy which contain the *Schedules of Purchasing Authorities and Responsibilities*.

8.0 Critical Procedures to Remember:

1. Approvals and all required documents shall be documented.
2. Purchase orders are produced using the District’s financial system and require two initials. One from the actual requester, and a second from an individual with budget acquisition authority sufficient to cover the purchase.
3. Formal revisions to a contract must be processed in accordance with Tables 1 and 2 of this policy which contain the *Schedules of Purchasing Authorities and Responsibilities*.
4. Any contract information requested from outside the District must be directed towards and reviewed by the Director of Corporate Services.
5. All expenditure dollar amounts indicated in the Purchasing Policy exclude GST, because municipalities receive a proportionate refund of GST paid.
6. In order to provide transparency and meet the intent of NAFTA, CFTA and NWPTA competitive bids will be advertised nationally at the following NWPTA thresholds: \$75,000 for goods and services and \$200,000 for construction.

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9.0 Code of Conduct, Conflict of interest and Non-Disclosure Agreements

No member of Council, employee or volunteer shall have any direct or indirect pecuniary interest in any competitive bid or the arrangement for the supply of goods, services or construction to the District, unless it is first disclosed by the person submitting the bid or supplying the goods, services or construction.

All competitive bid documentation must include a section that requires suppliers to disclose any actual or potential conflicts of interest and existing business relationships it may have with the District, its elected or appointed officials or employees prior to submission of the bid or proposal.

10.0 Methods of Procurement

Methods of procurement for goods and services should be competitive where possible in order to reduce costs to the public through marketplace competition; encourage innovation and efficiencies; and demonstrate the application of fair and open selection criteria by:

1. providing a range of goods and services to the user in the right quantity, quality, timeliness and value;
2. using a process which is simple, clear and well explained to users, vendors and the public;
3. promoting total value concepts – full costing which takes into account the full range of costs including acquisition, maintenance, replacement, disposal and training costs associated with goods or services;
4. encouraging the most open bidding process practical, one that is available to all qualified or pre-qualified bidders by providing full disclosure of criteria and considerations used for:
 - a. qualifying vendors;
 - b. determining equivalency;
 - c. measuring quality;
 - d. distributing potential cost savings between vendor and purchaser (value analysis);
5. allowing for flexibility within limits to promote accountability and allow for unanticipated and unplanned circumstances.

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The level of external competition required for purchases is based on the dollar value and nature of the specific purchase. The cost associated with administering a competitive process should be proportionate to the benefit received as a result of the competition. For example, the cost of advertising certain small product purchases would exceed the cost of the product. Conversely, the District would only incur the expense of an Invitation to Tender (IT) or Request for Proposal (RFP) for large purchases.

11.0 Competitive Methods of Procurement

Competitive methods of procurement are usually characterized by the solicitation of bids and proposals through a public process. There are several types, the most common of which are:

1. Request for Proposal (RFP) - An invitation for suppliers to submit a proposal on a specific commodity or service. It is used when there are alternative ways to meet a specific need. The supplier is invited to propose what they consider the best way of meeting the District’s need. Submissions will be rated on the principle of “Best Buy”.
2. Request for Quotation (RFQ) - An invitation for suppliers to bid on specific products or services. An RFQ bidding process typically includes information regarding payment terms, quality level per item, and contract length, in addition to the price per item. It is an opportunity for suppliers to competitively cost the chosen solutions.
3. Invitation to Tender (IT) - An invitation that solicits competitive bids. Tenders are appropriate when detailed specifications are available. Tenders can be evaluated against clearly stated criteria and specifications. The bids and prices are provided without condition and the award is made without negotiation, notwithstanding the District’s right to negotiate with the successful vendor after the award has been made.
4. Supply Arrangements - The District may participate with other government agencies under supply arrangements, such as Provincial Government Corporate Supply Arrangements (CSA’s), where it is in the best interest of the District to do so. In doing so the District will follow the procedures set out by the arrangement and in accordance with *Table 1: Schedule of Purchasing Authorities and Responsibilities for Purchases made using a Competitive Method*.

12.0 Non-Competitive Methods of Procurement

1. Direct Contract Award (Sole Supplier) Purchases - A direct contract award may be made without competitive procurement process under the following circumstances and in

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accordance with *Table 2: Schedule of Purchasing Authorities and Responsibilities for Direct Awards*.

- a. To ensure compatibility with existing products, to recognize exclusive rights, such as exclusive licenses, copyright and patent rights, or to maintain specialized products that must be maintained by the manufacturer or its representative;
- b. Where there is an absence of competition for technical reasons and the goods or services can be supplied only by a particular supplier and no alternative or substitute exists;
- c. For the procurement of goods or services the supply of which is controlled by a supplier that is a statutory monopoly;
- d. For work to be performed on property by a contractor according to provisions of a warranty or guarantee held in respect of the property or the original work;
- e. For the procurement of a prototype of a first good or service to be developed in the course of and of a particular contract for research, experiment, study or original development, but not for any subsequent purchases;
- f. For the purchase of goods under exceptionally advantageous circumstances;
- g. For the procurement of real property; and
- h. Where previous work of a supplier or contractor has resulted in that supplier or contractor having a unique understanding and knowledge of local systems and circumstances; and where the awarding of a contract to another supplier or contractor would cause the District to incur additional expense because of their lack of this understanding and knowledge; the locally experienced and knowledgeable supplier or contractor may be used as the sole supplier of related goods and services upon the approval of Council.

2. Urgent and Emergent Situations - Urgent or emergency situations may occur which require immediate commitment of materials, equipment and or services. An emergency expenditure is any expenditure that is the result of an event caused by accident, fire, explosion or technical failure or by forces of nature that results in the need to expend District resources:

- a. To protect human life, safety and health
- b. To protect property

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- c. To protect the environment
- d. To protect the economic interest of the community

In such situations, the authorized person in charge will approve any commitments made on behalf of the District and will process the appropriate documents during the first business day following the event. Where the expenditure can be accommodated within the Financial Plan, whether out of contingency funds or reallocations, the Chief Administrative Officer or respective Director is authorized to approve that expenditure. Emergency purchases that cannot be accommodated within the Financial Plan will be reported to Council at the next available regular meeting following the event to confirm the action taken.

13.0 Special Category Purchases and Disposals

1. The following services require a competitive process however, as these services tend to benefit from long term relationships, for practical reasons, the term between competitive processes will vary: Insurance; Banking; Audit; Group Benefits and Professional Consulting.
2. Subject to all applicable District policies and procedures, a Competitive Procurement Method is not required for the following items: Training, education, individual memberships and dues and subscriptions
 - a. Legal expenses
 - b. Refundable employee expenses
 - c. Travel expenses
 - d. Community service contracts with not for profit organizations
 - e. Utilities, postage and courier charges
 - f. Licences and other like required approvals
 - g. Corporate memberships
 - h. Payroll remittances
 - i. Operating grants and approved Council grants
 - j. Property and Income Tax remittances
 - k. GVLRA charges
 - l. Ongoing maintenance and service contracts for proprietary equipment, computer hardware and software.
 - m. Original equipment manufactured parts for maintenance, repairs and operating.
 - n. Internet and telephone fees

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- o. Water purchases
- p. Land registry fees
- q. Inspection and permit fees to other governments
- r. Inter-municipal cost sharing programs
- s. Debt charges and lease payments
- t. Costs directly related to court actions, damage and insurance claims

14.0 Disposal of Surplus Goods

Each Director shall provide from time to time to the Director of Financial Services an itemized list of any assets which are obsolete, damaged or surplus to their department's needs.

Disposal method is determined by the Director of Financial Services and is coordinated through the Public Works Department.

All obsolete, damaged or surplus assets shall be treated in the following order of priority:

1. Offered as trade in on a replacement asset;
2. Offered to other departments within the District; or
3. Disposed of by means of public auction or advertised for public tender and sold to the highest bidder.

Where assets declared obsolete, damaged or surplus are determined to have a value which is less than the cost of disposition, such assets shall be disposed of by the least-cost method available, taking into account any environmental implications of the disposal.

If the surplus goods cannot be reasonably sold by any of these means, the goods may be disposed of as appropriate and may include donation to a not for profit agency.

15.0 Employee Credit Card Use

District employees who have been issued an employee credit card are authorized to purchase goods and services in accordance with Tables 1 and 2 of this policy which contain the *Schedules of Purchasing Authorities and Responsibilities*, provided all purchases are made in accordance with the District's Corporate Credit Card Agreement.

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16.0 Petty Cash

Petty cash funds may be established for departments in amounts approved by the Director of Financial Services and not exceeding \$500 in any one department.

17.0 Contracting for Goods and Services

1. Standard Terms and Conditions of Purchase – The District maintains standard terms and conditions of purchase that are used for all purchases and supplemented from time to time as required.
2. Purchase Orders and Cheque Requisitions – Purchase orders or cheque requisitions shall be issued using the District’s financial system for all purchases of goods and services in excess of \$25,000 unless exempted by this policy.
3. Two Initials – The purpose of the dual initial requirement is to ensure that two parties that understand the purchase, the application and the budgetary constraints, provide acquisition authority to authorize transactions over \$5,000. One of the initials shall have the appropriate level of Purchasing Signing Authority spending amounts as set out in Tables 1 and 2 of this policy which contain the *Schedules of Purchasing Authorities and Responsibilities*.
4. Insurance and Licensing - All contracts for service to be provided on District property require the contractor to provide proof of registration, where applicable, and to remain in good standing with WorkSafeBC throughout the term of their contract. Contractors may be required to provide clearance letters before and after performing work. In the event the contractor is not eligible for registration with WorkSafeBC for reasons other than workplace safety performance, the District may register the contractor and pay the applicable WorkSafeBC premiums, at the contractor’s expense.
5. Proof of commercial liability insurance and other federal and provincial licences may also be required.
6. Multiple year contracts may be awarded if significant cost savings for the District will result from selecting a multiple year option over a single year option. Total contract cost will be considered in conjunction with the requirements set out in Tables 1 and 2 of this policy which contain the *Schedules of Purchasing Authorities and Responsibilities*. Costs of multiple year

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contracts must not exceed the budgeted funds for the project included in the Five Year Financial Plan.

7. Opening of Bids or Proposals - All bids or proposals over \$50,000 will be opened in a public forum on a date and time as indicated in the competitive process requirements.
 - a. A minimum of two employees will attend the opening, including one member from Finance.
 - b. All bids/proposals will be stamped showing the date of receipt.
 - c. Quotes for tenders will be announced and recorded.
 - d. No late bids/proposals will be accepted for any reason.

The contract will not be awarded at the opening since it is necessary to review each bid/proposal for completeness and accuracy. In addition, the bids/proposals may be subject to further qualitative evaluation. Vendor representatives attending the opening will be advised when to expect a final decision on the award.

8. Contract Amendments and Change Orders - are described as any contract adjustments over and above the approved budget amount plus the contingency amounts, yet are within the original project scope. Contract amendments for variances of amounts less than \$25,000 are subject to identification of budgetary funds and approval by the Director responsible for the contract. Contract amendments for amounts greater than \$25,000 will be reported to Council for consideration of approval.
9. Contingency - Contingency allowances are intended to provide discretion in meeting a requirement which is not perfectly defined. In a unit price contract, the contract is valued according to a process established in the contract documents. Quantities may be variable. As a result, the bid is not a fixed sum or ceiling but, rather, a common basis of comparison among bidders. Contingency options must be outlined in the Report to Council when the award is recommended if the project has not been approved through the budget approval process.
10. Foreign Currency Purchases – in instances where the purchase of goods and services is required from a supplier requiring a non-Canadian currency payment, the invoice should be provided to the Financial Services Department. Conversion of the purchase cost into Canadian funds should be calculated and used to determine appropriate method of procurement in accordance with Tables 1 and 2 of this policy which contain the *Schedules of Purchasing Authorities and Responsibilities*.

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11. Alignment with trade agreements and other legal obligations – in compliance with NAFTA, CFTA and NWPTA, all purchases of goods and services valued at \$75,000 or greater, and all construction projects valued at \$200,000 or greater will be competitively procured and advertised nationally.
12. Documentation – all steps in the procurement process should be recorded in writing. The District is subject to the provincial Freedom of Information and Protection of Privacy Act legislation. Therefore, purchase decisions will be subject to public scrutiny from time to time. It is critical that we not only follow our stated policies but are able to demonstrate our compliance. Documentation is to be retained in accordance with the District’s records retention policies and bylaws.
13. Supplier Complaint Process – The District will ensure that all supplier complaints are reviewed and adjudicated in a timely and fair manner. A supplier must advise the Director of Financial Services in writing within 30 business days of the event causing the complaint, stating the nature and basis of the complaint. The Director of Financial Services will attempt to resolve the complaint and will advise the supplier in writing of the administrative decision on their complaint within 60 days.
14. Contract Dispute Resolution Procedures – the District will include a dispute resolution process in all contracts to manage disputes with suppliers throughout the life of the contract.

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Table 1: Schedule of Purchasing Authorities and Responsibilities for Purchases made using a Competitive Method

Authorities and Responsibilities for All Goods & Services	VALUES			
	\$0-\$5,000	\$5,000-\$25,000	\$25,000-\$100,000	Over \$100,000
Acquisition Authority	<ol style="list-style-type: none"> District credit card Invoice signoff Purchase Order Standing Order 	<ol style="list-style-type: none"> Expenditures within the approved budget are specifically authorized by the Department or as delegated by the Director. 	<ol style="list-style-type: none"> Expenditures within the approved budget are specifically authorized by the Department or as delegated by the Director. If not previously approved through the annual budget approval process the expenditure must be approved by Council. 	<ol style="list-style-type: none"> Expenditures within the approved budget are specifically authorized by the Department or as delegated by the Director. If not previously approved through the annual budget approval process the expenditure must be approved by Council.
Commitment Authority	<ol style="list-style-type: none"> Authorized Staff 	<ol style="list-style-type: none"> Two initials including the Director of the Department If not low bid, CFO approval required 	<ol style="list-style-type: none"> Two initials including the CAO 	<ol style="list-style-type: none"> Council
Competition	<ol style="list-style-type: none"> Best value effort 	<ol style="list-style-type: none"> Minimum 3 written or telephone quotes required. Request for Proposal may also be used but not required. 	<ol style="list-style-type: none"> Minimum 3 written quotes or proposals. Invitation to Tender or Request for Proposal may also be used but not required. Must advertise at NWPTA threshold amounts* 	<ol style="list-style-type: none"> Invitation to Tender or Request for Proposal Must advertise at NWPTA threshold amounts*
Documentation	<ol style="list-style-type: none"> Invoice/Receipt Purchase Order (optional) 	<ol style="list-style-type: none"> Contract, if applicable Purchase Order or Cheque Requisition Purchase and Quote Summary 	<ol style="list-style-type: none"> Purchase and Quotes Summary IT/RFP/RFQ document if applicable Summary of Evaluation Contract Purchase Order or Cheque Requisition 	<ol style="list-style-type: none"> Purchase Summary IT/RFP/RFQ document Summary of Evaluation Contract Report to Council Purchase Order or Cheque Requisition

*NWPTA threshold amounts are as follows: above \$75,000 for purchase of goods and services and above \$200,000 for construction contracts

Table 2: Schedule of Purchasing Authorities and Responsibilities for Direct Awards

Authorities and Responsibilities for All Goods & Services	VALUES			
	\$0-\$5,000	\$5,000-\$25,000	\$25,000-\$100,000	Over \$100,000
Acquisition Authority	<ol style="list-style-type: none"> District credit card Invoice signoff Purchase Order Standing Order 	<ol style="list-style-type: none"> Expenditures within the approved budget are specifically authorized by the Department or as delegated by the Director. 	<ol style="list-style-type: none"> Expenditures within the approved budget are specifically authorized by the Department or as delegated by the Director. If not previously approved through the annual budget approval process the expenditure must be approved by Council. 	<ol style="list-style-type: none"> Expenditures within the approved budget are specifically authorized by the Department or as delegated by the Director. If not previously approved through the annual budget approval process the expenditure must be approved by Council.
Commitment Authority	<ol style="list-style-type: none"> Authorized Staff 	<p><i>Direct Award under criteria 12.0(1) a-g:</i></p> <ol style="list-style-type: none"> Two initials including the Director of the Department <p><i>Direct Award under criteria 12.0(1)h:</i></p> <ol style="list-style-type: none"> Council 	<p><i>Direct Award under criteria 12.0(1) a-g:</i></p> <ol style="list-style-type: none"> Two initials including the Director of the Department and the CAO <p><i>Direct Award under criteria 12.0(1)h:</i></p> <ol style="list-style-type: none"> Council 	<p><i>All Direct Awards:</i></p> <ol style="list-style-type: none"> Council
Documentation	<ol style="list-style-type: none"> Invoice/Receipt Purchase Order (optional) 	<p><i>All Direct Awards:</i></p> <ol style="list-style-type: none"> Contract, if applicable Purchase Order or Cheque Requisition <p><i>Direct Award under criteria 12.0(1) a-g:</i></p> <ol style="list-style-type: none"> Summary of award details and criteria met under Section 12.0(1) of this Policy <p><i>Direct Award under criteria 12.0(1)h:</i></p> <ol style="list-style-type: none"> Report to Council 	<p><i>All Direct Awards:</i></p> <ol style="list-style-type: none"> Contract Purchase Order or Cheque Requisition <p><i>Direct Award under criteria 12.0(1) a-g:</i></p> <ol style="list-style-type: none"> Summary of award details and criteria met under Section 12.0(1) of this Policy <p><i>Direct Award under criteria 12.0(1)h:</i></p> <ol style="list-style-type: none"> Report to Council 	<p><i>All Direct Awards:</i></p> <ol style="list-style-type: none"> Contract Purchase Order or Cheque Requisition Summary of award details and criteria met under Section 12.0(1) of this Policy Report to Council