



## PROCUREMENT SUB-COMMITTEE MINUTES PSCC 25-001

1:30 p.m.

March 7, 2025

Council Chambers (Hybrid)  
Hamilton City Hall  
71 Main Street West

---

**Present:** Councillors J-P Danko (Chair) and A. Wilson (Vice Chair)  
Councillors T. Hwang, C. Kroetsch and M. Wilson

---

### 1. CALL TO ORDER

Committee Chair Danko called the meeting to order at 1:30 p.m.

### 2. CEREMONIAL ACTIVITIES

There were no Ceremonial Activities.

### 3. APPROVAL OF THE AGENDA

**(Kroetsch/Hwang)**

That the agenda for the March 7, 2025, meeting of the Procurement Sub-Committee be approved, **as amended**, by deferring Item 8.1 respecting, Community Benefits and Social Value Procurement (HSC24042/FCS24069), to a future Procurement Sub-Committee meeting.

**CARRIED**

### 4. DECLARATIONS OF INTEREST

There were no Declarations of Interest.

### 5. APPROVAL OF MINUTES OF PREVIOUS MEETING

#### 5.1 November 23, 2023

**(A. Wilson/Hwang)**

That the Minutes of the November 23, 2023, meeting of the Procurement Sub-Committee, be adopted, as presented.

**CARRIED**

**6. DELEGATIONS**

There were no Delegations.

**7. ITEMS FOR INFORMATION**

**(A. Wilson/M. Wilson)**

That the following Items for Information, be received:

**7.1 HSC24053/FCS24031**

**Municipal Social Procurement Policies – Analysis of Recommendations from Research Shop, McMaster University (City Wide)**

**7.2 Buy Local and Canadian First Procurement Policy**

**CARRIED**

**7.3 FCS25003**

**Vendor Performance Program Implementation (City Wide)**

Michael Burjaw, Vendor Relations Specialist - Procurement, addressed Committee respecting Report FCS25003, Vendor Performance Program Implementation, with the aid of a PowerPoint presentation.

**(A. Wilson/M. Wilson)**

That Report FCS25003, dated March 7, 2025, respecting the Vendor Performance Program Implementation (City Wide) and accompanying presentation, be received.

**CARRIED**

**8. ITEMS FOR CONSIDERATION**

**8.1 HSC24042/FCS24069**

**Community Benefits and Social Value Procurement (City Wide)**

Report HSC24042/FCS24069, dated December 16, 2024, respecting the Community Benefits and Social Value Procurement (City Wide) and accompanying presentation, was DEFERRED to a future Procurement Sub-Committee.

**8.2 FSC25012**

**Amendments to the Procurement Policy Regarding Procuring Goods and/or Services in Response to the Cybersecurity Event and Transformational Projects (City Wide)**

**(Kroetsch/Hwang)**

That Report FSC25012, dated March 7, 2025, respecting the Amendments

to the Procurement Policy Regarding Procuring Goods and/or Services in Response to the Cybersecurity Event and Transformational Projects (City Wide), be received, and the following recommendations be approved:

- (a) That Council approve the proposed amendments to the City's Procurement Policy, as attached hereto in Appendix A, to Report (FCS25012) Amendments to the Procurement Policy Regarding Procuring Goods and/or Services in Response to the Cybersecurity Event and Associated Procurements; and
- (b) That staff be directed to prepare a by-law amending By-law No. 20-205, A Bylaw to Adopt and Maintain a Procurement Policy for City of Hamilton with the approved amendments to the City's Procurement Policy.

**Result: MOTION, CARRIED by a vote of 5 to 0, as follows:**

Yes	-	Ward 1	Councillor Maureen Wilson
Yes	-	Ward 2	Councillor Cameron Kroetsch
Yes	-	Ward 4	Councillor Tammy Hwang
Yes	-	Ward 8	Councillor John-Paul Danko
Yes	-	Ward 13	Councillor Alex Wilson

## 9. MOTIONS

There were no Motions.

## 10. NOTICE OF MOTIONS

There were no Notice of Motions.

## 11. PRIVATE AND CONFIDENTIAL

Committee determined that discussion of Item 11.1 was not required in Closed Session; therefore, the matter was addressed in Open Session, as follows:

### 11.1 Closed Session Minutes – November 23, 2023

#### (Hwang/Kroetsch)

That the Closed Session Minutes of the November 23, 2023, meeting of the Procurement Sub-Committee, be adopted, as presented, and remain confidential.

## 12. ADJOURNMENT

There being no further business, the Procurement Sub-Committee meeting was adjourned, at 2:47 p.m.

Respectfully submitted,

Jessica Versace  
Legislative Coordinator  
Office of the City Clerk

Councillor J.P. Danko  
Chair, Procurement Sub-Committee

## DEFINITIONS AND INTERPRETATION

### SECTION 3

**“Procurement Procedures and Guidelines”** means the procurement procedures and guidelines approved by the City’s Director of Procurement, as amended from time to time.

Additional Definitions effective up until December 31, 2026:

**“Cybersecurity Event”** shall mean the cybersecurity incident experienced by the City of Hamilton on February 25, 2024.

**“Cybersecurity Event Goods and/or Services”** shall mean Goods and/or Services that are required as a direct impact of the Cybersecurity Event and are:

- a) Infrastructure and services that have been impacted by the Cybersecurity Event;
- b) required to maintain service continuity;
- c) time sensitive; or
- d) required for recovery and restoration efforts.

Cybersecurity Event Goods and/or Services may include professional services, IT hardware, software, and licenses.

**“Associated Cybersecurity Event Goods and/or Services”** shall mean Goods and/or Services that are required as a direct impact of the Cybersecurity Event and are required for resiliency and transformational operations to ‘build back better’. Associated Cybersecurity Event Goods and/or Services may include, but not limited to, professional services, IT hardware, software, and licenses.”

**POLICY # 5.4(a) - Request for Proposals (up to but not including \$133,800) for  
Cybersecurity Event Goods and/or Services and Associated Cybersecurity  
Event Goods and/or Services**

**SECTION 4.5.4(a)**

- (1) The Client Departments shall utilize all applicable City Contracts and shall otherwise be in accordance with the Procurement Policy.
- (2) For procurements where there are no applicable City Contracts and for the period up until December 31, 2026, a Request for Proposals process may be used to procure a Cybersecurity Event Goods and/or Services and/or an Associated Cybersecurity Event Goods and/or Services with an estimated procurement value of between \$10,000 and up to but not including \$133,100 in the following manner:
  - (a) prior to the Request for Proposals being issued, the Client Department shall obtain the prior written approval of the Chief Information Officer and the Director of Procurement;
  - (b) a minimum of three different vendors shall be invited to submit a Bid by any method of written communication unless otherwise approved by the Procurement Division;
  - (c) the Request for Proposals process must be implemented through Centralized Procurement;
  - (d) the Request for Proposals shall be issued and awarded in accordance with the RFP procedures as determined by the City's Director of Procurement;
  - (e) the Request for Proposals shall clearly set out the evaluation criteria and weightings upon which an award of the Request for Proposals may be made. Subject to minor variations as may be approved by the Manager of Procurement, the evaluation methodologies that may be employed, are:
    - (i) **FIXED PRICE** - The City establishes a fixed dollar value for the award, and the Bids consist of only a technical Bid for that fixed dollar value. The City evaluates the technical Bids received against the evaluation criteria and weightings set out in the RFP. The award shall be made to the highest scoring vendor; or
    - (ii) **PRICE PER POINT** - The evaluation of the RFP will utilize a multi-step evaluation process. The City evaluates the technical Bids received against the evaluation criteria and weightings set out in the RFP. For those technical Bids that successfully meet the benchmark score stipulated in RFP, the City will open the price Bid received. The City will then calculate the price per point for each Bid meeting the technical benchmark score and the award will be made to the vendor with the lowest price per point; or
    - (iii) **COMBINATION OF TECHNICAL AND PRICE SCORES** - The RFP will utilize a multi-step evaluation process. The City evaluates the technical Bids received against the evaluation criteria and

weightings set out in the RFP. For those technical Bids that successfully meet the benchmark score stipulated in RFP, the City will open the price Bid received and score the price based on a predetermined calculation set out in the RFP. The price weighting must be a minimum of 25 percent of the technical weighting. Only the General Manager of the Client Department may approve a price weighting of less than 25 percent of the technical weighting. A total evaluation score will be determined by adding the technical score and the price score. The award shall be made to the highest scoring vendor; or

- (iv) **LOWEST PRICED BID MEETING TECHNICAL BENCHMARK SCORE** - The RFP will utilize a multi-step evaluation process. The City evaluates the technical Bids received against the evaluation criteria and weightings set out in the RFP. For those technical Bids that successfully meet the benchmark score stipulated in the RFP, the City will open the price Bid received. The award shall be made to the vendor who has successfully met the technical benchmark score and has the lowest priced Bid.

Where the RFP requires multiple vendors or a roster of vendors, the award shall be made consistent with the evaluation methodology stated above. The number of vendors to be awarded and the manner in which they shall be selected shall be clearly set out in the RFP.

Where an evaluation methodology other than the above is proposed, specific prior written approval shall be obtained from the Director of Procurement.

- (3) The Procurement Section will facilitate the RFP evaluation process. An evaluation committee will be formed with a minimum of three evaluators and be comprised of at least one representative from the Client Department. The evaluators shall review all compliant Bids against the established criteria, reach consensus on the final rating results, and ensure that the final rating results with supporting documents are kept in the procurement file. The Procurement Section representative shall not participate in the scoring of the Bid;
- (4) All Bids that meet the required terms, conditions and Specifications outlined in the Request for Proposals document shall be evaluated based on the evaluation criteria and weightings, subject to any rights or privileges reserved by the City;
- (5) Any award shall be made in accordance with the evaluation criteria and weightings contained in the Request for Proposals document, subject to any rights or privileges reserved by the City or as otherwise approved by Council;
- (6) When no compliant Bids are received in response to a Request for Proposals, and:
- (a) where time permits in the opinion of the General Manager of the Client Department, the Request for Proposals shall be re-issued with the appropriate revisions; or

- (b) where time does not permit the re-issuance of the Request for Proposals in the opinion of the General Manager of the Client Department, the Request for Proposals is not otherwise being revised, and where there is a minor deficiency or non-compliance with a vendor's proposal submission (the determination of a "minor deficiency or non-compliance" shall be made by the Procurement Director in consultation with the City Solicitor or designate), the Procurement Division will:
  - (i) communicate to each of these vendors any Bid deficiencies that resulted in its Bid being deemed non-compliant; and
  - (ii) all vendors shall be given the opportunity to make modifications to their Bid to achieve an acceptable Bid provided that such changes are not material in nature and will not alter the general nature of the requirement described in the Request for Proposals.
  
- (7) Where only one Bid has been received in response to a Request for Proposals and:
  - (a) is non-compliant; or
  - (b) has successfully passed the technical proposal requirements and the Bid is non-compliant,

the Manager of Procurement in conjunction with the Client Department may proceed to negotiate the changes required to achieve an acceptable Bid, provided that such changes will not alter the general nature of the requirement described in the Request for Proposals.
  
- (8) Where the Bid being recommended for award is in excess of budgeted funds, the General Manager of the Client Department in consultation with the Manager of Procurement may enter into negotiations with the vendor submitting that Bid, provided that it is agreed by both the City and the vendor that the changes required to achieve an acceptable Bid will not alter the general nature of the requirement described in the RFP.
  
- (9) Except where another process is approved by the Director of Procurement, the Goods and/or Services shall be procured through a Purchase Order and/or Contract process. Where a formal Contract is necessary, such Contract shall be in a form satisfactory to the City Solicitor.



**POLICY # 11 - Non-competitive Procurements****SECTION 4.11**

- (1) Subject to Policy # 2 - Approval Authority, the General Manager of the Client Department will approve the *Non-competitive Procurement Form*, justifying the need to use this Policy # 11 prior to City staff entering into any discussions with any vendor regarding the purchase of the Goods and/or Services. This process may be adopted when any of the following conditions apply:
  - (a) when Goods and/or Services are judged to be in short supply due to market conditions (short supply);
  - (b) when a single source (for the purpose of this policy this shall include sole source transactions) for the supply of a particular Good and/or Service is being recommended because it is more cost effective or beneficial for the City (single source);
  - (c) where a City Contract has expired or will very shortly expire, and unforeseeable circumstances have caused a delay in issuing a new RFP or RFT so that a Contract extension is required (Contract extension).
- (2) Council must approve any requests for negotiations for:
  - (a) a single source as set out in subsection (1)(b) of this Policy #11, where the cumulative value of the Policy 11 exceeds a multi-year value of the proposed procurement is \$250,000 or greater. For greater clarity, the total cumulative value of a Policy 11 shall not exceed \$250,000 in any given year or multiple consecutive years; or
  - (b) an extension as set out in subsection (1)(c) of this Policy #11, where the extension exceeds 18 months from the expiry of the Contract with a vendor.
- (3) That for the period up until December 31, 2026:
  - (a) the City Manager shall have the authority to approve and execute a Contract, all necessary associated documents and any amendment to a Contract on behalf of the City for a single source procurement for Cybersecurity Event Goods and/or Services and/or for Associated Cybersecurity Event Goods and/or Services up to the cumulative value less than \$2,000,000;
  - (b) any single source procurement for Cybersecurity Event Goods and/or Services and/or for Associated Cybersecurity Event Goods and/or Services with the cumulative value greater than \$2,000,000 shall require Council approval.
- (4) All approved forms shall be forwarded to the Manager of Procurement. The Manager of Procurement will be responsible for reporting the use to Council on a quarterly basis.

<b>TOTAL CUMULATIVE VALUE (\$, Canadian, Not including tax)</b>	<b>APPROVAL TO INITIATE POLICY # 11 PROCESS</b>	<b>APPROVAL TO ENTER INTO CONTRACT</b>
Up to but not including \$250,000 for a single source or short supply type purchase	General Manager	Policy # 2 – Approval Authority
\$250,000 or greater for single source or short supply type purchases	Council	Council as per Policy # 2 – Approval Authority
Up to but not including \$2,000,000 for a single source purchase for Cybersecurity Event Good and/or Service or Associated Cybersecurity Event Goods and/or Services	City Manager	City Manager
Over \$2,000,000 for a single source purchase Cybersecurity Event Good and/or Service or Associated Cybersecurity Event Goods and/or Services	Council	Council
Any value where the extension of a Contract does not exceed 18 months from Contract expiry	General Manager	Policy #2 – Approval Authority
Any value where the	Council	Council as per Policy # 2 –

extension of a Contract exceeds 18 months from Contract expiry		Approval Authority
---	--	--------------------

- (5) The Goods and/or Services shall be procured through a Purchase Order, a formal Contract or any other process as approved by the Director of Procurement.
- (6) Where consultancy services are being procured and are in excess of \$100,000, a formal Contract shall be required.
- (7) All formal Contracts shall be in a form satisfactory to the City Solicitor.