

Subject: Corporate Non-Competitive Procurement Activities Exceeding \$100,000

Report to: Corporate Services Committee

Report date: Wednesday, September 11, 2024

Recommendations

1. That Report CSD 40-2024 **BE RECEIVED** for information.

Key Facts

- The purpose of this report is to identify all Corporate non-competitive procurement activities between April 1, 2024 and June 30, 2024, by all Departments, which exceeded \$100,000.
- Council approval of PW 47-2021 (August 10, 2021) directed Staff to provide information reports to the Corporate Services Committee each quarter identifying all corporate non-competitive procurement activities that exceed \$100,000 in the intervening period.
- Niagara Region's Procurement By-law 02-2016 as amended February 28, 2019, identifies non-competitive appropriate criteria, procedures and Schedule "B" defines the approval authorities required for any non-competitive procurement activity.

Financial Considerations

The intent of the Procurement By-law is to ensure the appropriate balance of effective approval control and efficient utilization of resources to ensure "best value for the Corporation". All Corporate non-competitive procurement activities must have approved funding in place from either Capital or Operating budgets.

Analysis

Report PW 47-2021 presented at the August 10, 2021, Public Works Committee and approved by Council on August 26, 2021, recommended that:

- Staff provide information reports to the Corporate Services Committee each quarter identifying all corporate non-competitive procurement activities that exceeded \$100,000 in the intervening period.

This report details twenty-two (22) corporate non-competitive procurement activities with a total change value of \$6,227,328, which exceeded \$100,000 between April 1, 2024 and June 30, 2024.

As Director of Procurement & Strategic Acquisitions, I attest that every Purchase Order identified herein is compliant with the Council approved Procurement By-law and further affirm that Appendices 1 and 2 which detail the non-competitive purchases processed in accordance with the approved criteria, procedures and approval authorities required for any non-competitive procurements meet the appropriate criteria as outlined in Procurement By-law 02-2016 as amended February 28, 2019.

Appendix 1: Straight Single Source

Eleven (11) new non-competitive purchases totalling \$2,385,522 in value were identified as “**Single Source**” (Section 18) meaning that no competitive procurement process was utilized to acquire Goods and/or Service from the named Supplier even though there may be other Suppliers capable of delivery of the same.

These non-competitive purchases may include acquisitions which were considered Sole Source in that there is an absence of competition for technical reasons and only one supplier is capable of delivery of the same.

Appendix 2: Change PO Single Source

Eleven (11) amendments (Change PO) to the original Purchase Order totalling \$3,841,806 (Single Source change value only). These amendments break down as follows:

- a) Eight (8) amendments (Change PO) to original “**Formal**” Purchase Orders totalling \$4,905,126 where \$2,204,270 were Single Source (as defined above).
- b) Two (2) amendments (Change PO) to original “**Single Source**” Purchase Orders totalling \$809,900 were Single Source (as defined above).
- c) One (1) amendment (Change PO) to original “**Special Circumstance**” Purchase Orders totalling \$827,636 were single source (as defined in above).

Ref: “Special Circumstances” (Section 17), whereby a non-competitive procurement process was utilized to acquire Goods and/or Services from a specific supplier when certain conditions apply.

Alternatives Reviewed

None, though the Committee can suggest amendments to the reporting content and format.

Relationship to Council Strategic Priorities

This report aligns with Sustainable and Engaging Government, specifically objective 4.1: High Quality, Efficient and Coordinated Core Services.

Other Pertinent Reports

- [PW 47-2021 Special Procurement Rules for Public Works Single Source Exceeding \\$100,000](#)

(<https://pub-niagararegion.escribemeetings.com/Meeting.aspx?Id=46ed041a-c04d-4224-b80b-42b6b942c5ed&Agenda=Agenda&lang=English&Item=20&Tab=attachments>)

Prepared by:

Bart Menage, CSCMP, NISCL-CSCL
Director
Procurement & Strategic Acquisitions

Recommended by:

Dan Carnegie
Acting Commissioner/Treasurer
Corporate Services

Submitted by:

Ron Tripp, P.Eng.
Chief Administrative Officer

Appendices

- | | |
|------------|--|
| Appendix 1 | Listing of Non-Competitive Procurement Activity by Single Source |
| Appendix 2 | Listing of Non-Competitive Procurement Activity by Change PO |

**Listing of Non-Competitive Procurement Activity by Single Source
Q2 (Apr-Jun) 2024**

| PO DATE | PO # | REGION DEPARTMENT* | PO TYPE | PO VALUE PRE-TAX | SUPPLIER |
|----------------|-------------|---------------------------|----------------|-----------------------------|--------------------------------------|
| 2024-04-02 | 133180 | Community Services | SNG | \$ 112,688.20 | YWCA Niagara Region - St. Catharines |

PO Justification
 Transitional costs to support wind down of previously awarded RFP for Shelter programs, ending March 31, 2024 as program is being redesigned. 18.(a)(iv) an unforeseeable situation of urgency exists and the Goods and/or Services cannot be obtained in time by means of open procurement procedures.

| PO DATE | PO # | REGION DEPARTMENT* | PO TYPE | PO VALUE PRE-TAX | SUPPLIER |
|----------------|-------------|---------------------------|----------------|-----------------------------|---------------------|
| 2024-05-02 | 134525 | Corporate Services | SNG | \$ 161,132.75 | Aurea Software, LLC |

PO Justification
 This purchase is related to the annual SaaS maintenance and support costs for use of our Bonzai software that runs on our internal, corporate SharePoint environment (The Vine). Aurea is the only vendor that sells this product and thus we are bound to procure from them directly. 18.(a)(l) the compatibility of a Purchase with existing equipment, product standards, facilities or service is a paramount consideration.

**Listing of Non-Competitive Procurement Activity by Single Source
Q2 (Apr-Jun) 2024**

| PO DATE | PO # | REGION DEPARTMENT* | PO TYPE | PO VALUE PRE-TAX | SUPPLIER |
|----------------|-------------|---------------------------|----------------|-------------------------|------------------------------------|
| 2024-05-09 | 134750 | Corporate Services | SNG | \$ 111,180.00 | Chamberlain Building Services Inc. |

PO Justification
 Emergency repair of the Campbell West Chiller. The chiller was found to be leaking refrigerant from both compressors and is unable to run in its current state. One compressor is repairable, and the other needs replacement. It is the primary source of cooling for the Campbell West Building and with summer approaching there is not enough time to tender the work. Chamberlain Inc. is our awarded HVAC contractor for the preventative maintenance services. Given the knowledge and expertise of Chamberlain Inc. working on this equipment for the past three years, it is recommended that they complete the emergency repairs. 18.(a)(iv) an unforeseeable situation of urgency exists and the Goods and/or Services cannot be obtained in time by means of open procurement procedures.

| PO DATE | PO # | REGION DEPARTMENT* | PO TYPE | PO VALUE PRE-TAX | SUPPLIER |
|----------------|-------------|---------------------------|----------------|-------------------------|--------------------|
| 2024-06-05 | 135890 | Corporate Services | SNG | \$ 345,555.60 | Design Electronics |

PO Justification
 Replacing old and non supported AV equipment in the council chambers. Most of the equipment in the room is no longer supported by the vendors and has been breaking down with more frequency. Some items can't be replaced without replacing almost all of the existing equipment. All of the new AV equipment must work with our current Creston system and not change the design and feel that the councilors and clerk staff are used to using. The equipment and services are being single sourced to Design technologies because they have intimate knowledge of how our systems work and the programming required for it to function. 18.(a)(i) the compatibility of a Purchase with existing equipment, product standards, facilities or service is a paramount consideration.

**Listing of Non-Competitive Procurement Activity by Single Source
Q2 (Apr-Jun) 2024**

| PO DATE | PO # | REGION DEPARTMENT* | PO TYPE | PO VALUE PRE-TAX | SUPPLIER |
|----------------|-------------|---------------------------------------|----------------|-----------------------------|-------------------------|
| 2024-05-31 | 135632 | Public Health & Emergency Services | SNG | \$ 320,000.00 | Lighthouse Medical Ltd. |

PO Justification
 To purchase Raizer II patient lifting devices for all vehicles. This was originally RFP 2023-RFP-223 but there was only 1 bidder who did not meet the criteria. After follow up debrief with plan takers and bidder it was determined that only 1 vendor could meet the needs for the lifting device required. 18.(a)(iii) there is an absence of competition for technical reasons and the Goods and/or Services can only be supplied by a particular Supplier.

| PO DATE | PO # | REGION DEPARTMENT* | PO TYPE | PO VALUE PRE-TAX | SUPPLIER |
|----------------|-------------|---------------------------|----------------|-----------------------------|-----------------|
| 2024-04-11 | 133619 | Public Works | SNG | \$ 141,891.81 | Gerrie Electric |

PO Justification
 In December 2020, Rockwell Automation discontinued a few of their PLCs. These controllers were supported until December 2022. Currently these controllers, and their firmware are not supported by the manufacturer. This purchase will upgrade these controllers to a supported platform, allowing us to apply up to date firmware to strengthen our cybersecurity on our Operational networks. 18(a)(i) the compatibility of a Purchase with existing equipment, product standards, facilities or service is a paramount consideration; these new PLCs are upgrading existing obsolete PLCs that currently pose a cyber security threat to Niagara’s W-WW SCADA systems; and 18(a)(iii) there is an absence of competition for technical reasons and the Goods and/or Services can only be supplied by a particular Supplier a Sole Source is being recommended; Gerrie Electric is the only appointed distributor authorized to sell Allen Bradley products, along with related services, in our geographical area.

**Listing of Non-Competitive Procurement Activity by Single Source
Q2 (Apr-Jun) 2024**

| PO DATE | PO # | REGION DEPARTMENT* | PO TYPE | PO VALUE PRE-TAX | SUPPLIER |
|----------------|-------------|---------------------------|----------------|-----------------------------|-----------------|
| 2024-04-15 | 133679 | Public Works | SNG | \$ 519,893.70 | Gerrie Electric |

PO Justification
 In December 2020, Rockwell Automation discontinued a few of their PLCs. These controllers were supported until December 2022. Currently these controllers, and their firmware are not supported by the manufacturer. This purchase will upgrade these controllers to a supported platform, allowing us to apply up to date firmware to strengthen our cybersecurity on our Operational networks. 18(a)(i) the compatibility of a Purchase with existing equipment, product standards, facilities or service is a paramount consideration; these new PLCs are upgrading existing obsolete PLCs that currently pose a cyber security threat to Niagara’s W-WW SCADA systems; and 18(a)(iii) there is an absence of competition for technical reasons and the Goods and/or Services can only be supplied by a particular Supplier a Sole Source is being recommended; Gerrie Electric is the only appointed distributor authorized to sell Allen Bradley products, along with related services, in our geographical area.

| PO DATE | PO # | REGION DEPARTMENT* | PO TYPE | PO VALUE PRE-TAX | SUPPLIER |
|----------------|-------------|---------------------------|----------------|-----------------------------|---------------------------------------|
| 2024-06-07 | 135974 | Public Works | SNG | \$ 342,125.00 | Jenoptik Smart Mobility Solutions LLC |

PO Justification
 This is PO is for monthly fixed leasing cost for the Red Light Camera Program as approved part of the Vision Zero Budget. 18.(a)(i) the compatibility of a Purchase with existing equipment, product standards, facilities or service is a paramount consideration; The supplier is fixed and universal across province requiring compatibility for processing of all cost and ticketing via joint processing center; and 18.(a)(iii) there is an absence of competition for technical reasons and the Goods and/or Services can only be supplied by a particular Supplier; Schedule A agreement with MTO for ASE and RLC programs.

**Listing of Non-Competitive Procurement Activity by Single Source
Q2 (Apr-Jun) 2024**

| PO DATE | PO # | REGION DEPARTMENT* | PO TYPE | PO VALUE PRE-TAX | SUPPLIER |
|----------------|-------------|---------------------------|----------------|-----------------------------|---------------------------------|
| 2024-06-19 | 136419 | Public Works | SNG | \$ 118,946.03 | GE Intelligent Platforms Canada |

PO Justification
 The software being supported is for our existing SCADA software installations of iFix and Historian. This software is critical to the operations of our Water-Wastewater facilities. 18(a)(i) the compatibility of a Purchase with existing equipment, product standards, facilities or service is a paramount consideration; This support agreement is for our existing licensed software used throughout the Water-Wastewater Division’s SCADA systems.; and 18(a)(iii) there is an absence of competition for technical reasons and the Goods and/or Services can only be supplied by a particular Supplier a Sole Source is being recommended; GE Intelligent Platforms is the sole Developer, Licensor, and Support Service Provider for our SCADA Software.

| PO DATE | PO # | REGION DEPARTMENT* | PO TYPE | PO VALUE PRE-TAX | SUPPLIER |
|----------------|-------------|---------------------------|----------------|-----------------------------|-------------------------------------|
| 2024-06-19 | 136421 | Public Works | SNG | \$ 109,312.50 | Haudenosaunee Development Institute |

PO Justification
 As per corporate policy, archaeology services are required from Indigenous stakeholders, for the Catherine St. SPS Upgrade project. Indigenous consultations are required under various policies established by the Province of Ontario. Indigenous engagement/consultation must be conducted with a recognized Territorial First Nations, largely for the purposes of completing archaeological or environmental assessments related to Regional capital infrastructure projects. 18(a)(iii): there is an absence of competition for technical reasons and the Goods and/or Services can only be supplied by a particular Supplier.

**Listing of Non-Competitive Procurement Activity by Single Source
Q2 (Apr-Jun) 2024**

| PO DATE | PO # | REGION DEPARTMENT* | PO TYPE | PO VALUE PRE-TAX | SUPPLIER |
|------------|--------|--------------------|---------|---------------------|-------------------|
| 2024-06-26 | 136721 | Public Works | SNG | \$ 102,796.80 | SPD Sales Limited |

PO Justification
 The chemical feed pumps at the Decew WTP are nearing end of life. These chemicals are the crucial part of the disinfection process to provide safe drinking water to the residents of the Decew WTP System. Frequency of service required and the availability of repair/replacement parts, they are exceedingly difficult to obtain if at all. 18(a)(i) the compatibility of a Purchase with existing equipment, product standards, facilities or service is a paramount consideration; these new chemical feed pumps are upgrading existing pumps nearing end of life; and 18(a)(iii) there is an absence of competition for technical reasons and the Goods and/or Services can only be supplied by a particular Supplier; SPD Sales Limited is the only appointed distributor authorized to sell Grundfos Dosing Pumps products, along with related services, in our geographical area.

*NRPS, NRH and NTC are not included in the datasets outlined herein as these agencies operated under their own Procurement By-law and/or Governing Bodies

**Listing of Non-Competitive Procurement Activity by Change PO
Q2 (Apr-Jun) 2024**

| PO DATE/ PO LAST CHANGE DATE | PO # | *REGION DEPARTMENT | ORIGINAL PO TYPE/ CHANGE PO TYPE | SUPPLIER | PO LINE DESCRIPTION | ORIGINAL PO VALUE | CHANGE IN VALUE ** | CURRENT PO VALUE | TOTAL VALUE FORMALLY PROCURED | TOTAL VALUE SINGLE SOURCE |
|------------------------------|-------|--------------------|----------------------------------|---------------------------------|--|-------------------|--------------------|------------------|-------------------------------|---------------------------|
| 2021-11-08 2024-04-05 | 98167 | Public Works | FRM - SNG | GM BluePlan Engineering Limited | 2021-RFP-152 - 2021 Biosolids Management Master Plan | \$ 491,449.00 | \$ 607,767.00 | \$ 116,318.00 | \$491,449.00 | \$ 116,318.00 |

SCOPE CHANGE, JUSTIFICATION, BY-LAW REF and RATIONALE FOR INCREASE IF SINGLE SOURCE
 In 2010, Niagara Region initiated a Biosolids Management Master Plan (BMMP), to provide direction for management of biosolids and water treatment residuals, generated by its current water (6) and wastewater (10) treatment plants, to the year 2031. Regulatory and environmental changes have occurred, including risk management in biosolids management, relative to long-term investment, and considerations of the Nutrient Management Act, watershed source protection, water quality, and public expectations. GM BluePlan (GMBP) was initially retained through competitive bid process 2021-RFP-152 and awarded the 2021 Biosolids Management Master Plan Update. Due to additional efforts required throughout the project review period, and to now finalize the report, as well as opportunities to now incorporate additional relevant information for more holistic recommendations, there is a need to increase the scope of the assignment. 18(a)(i) the compatibility of a Purchase with existing equipment, product standards, facilities or service is a paramount consideration; this scope of work is a continuation of and directly related to GMBP’s current scope assignment.

| PO DATE/ PO LAST CHANGE DATE | PO # | *REGION DEPARTMENT | ORIGINAL PO TYPE/ CHANGE PO TYPE | SUPPLIER | PO LINE DESCRIPTION | ORIGINAL PO VALUE | CHANGE IN VALUE ** | CURRENT PO VALUE | TOTAL VALUE FORMALLY PROCURED | TOTAL VALUE SINGLE SOURCE |
|------------------------------|--------|--------------------|----------------------------------|-------------------------|--|-------------------|--------------------|------------------|-------------------------------|---------------------------|
| 2022-03-21 2024-06-12 | 103517 | Public Works | FRM - SNG | SPAND CONSTRUCTION LTD. | 2021-T-288 - Line 2 SPS Upgrade - Tender | \$ 618,088.00 | \$ 747,770.46 | \$ 129,682.46 | \$618,088.00 | \$ 129,682.46 |

SCOPE CHANGE, JUSTIFICATION, BY-LAW REF and RATIONALE FOR INCREASE IF SINGLE SOURCE
 SPAND Construction Ltd. was initially retained through a competitive bid process 2021-T-288 Line 2 SPS Upgrade and awarded the contract on March 21, 2022. Due to additional findings during construction and requests from the Niagara Region, there is a need to increase the scope of the project. 18(a)(i) the compatibility of a Purchase with existing equipment, product standards, facilities or service is a paramount consideration; SPAND Construction Ltd is familiar with this immediate area and this work is directly related to the system that is being upgraded as part of the project.

**Listing of Non-Competitive Procurement Activity by Change PO
Q2 (Apr-Jun) 2024**

| PO DATE/ PO LAST CHANGE DATE | PO # | *REGION DEPARTMENT | ORIGINAL PO TYPE/ CHANGE PO TYPE | SUPPLIER | PO LINE DESCRIPTION | ORIGINAL PO VALUE | CHANGE IN VALUE ** | CURRENT PO VALUE | TOTAL VALUE FORMALLY PROCURED | TOTAL VALUE SINGLE SOURCE |
|------------------------------|-------|--------------------|----------------------------------|------------------------------------|---|-------------------|--------------------|------------------|-------------------------------|---------------------------|
| 2019-11-01 2024-04-12 | 67115 | Public Works | FRM - SNG | R.J. Burnside & Associates Limited | 2019-RFP-243 - Garner Road Dewatering Facility Upgrade Design | \$ 148,260.18 | \$ 377,398.68 | \$ 229,138.50 | \$148,260.18 | \$ 229,138.50 |

SCOPE CHANGE, JUSTIFICATION, BY-LAW REF and RATIONALE FOR INCREASE IF SINGLE SOURCE
R.J. Burnside was retained through a competitive bid process (2019-RFP-243) and awarded the detailed design and tendering of the Garner Road Dewatering Facility Upgrade Design Project on Nov. 1, 2019. There is a need to increase the scope of the assignment due to additional SUE investigation, design of the Administrative building in the front of the property, and dump pad investigation for the ECA Amendment. 18(a)(i) the compatibility of a Purchase with existing equipment, product standards, facilities or service is a paramount consideration; as R.J. Burnside is familiar with this immediate area and this work is directly related to the system that is being upgraded as part of the project.

| PO DATE/ PO LAST CHANGE DATE | PO # | *REGION DEPARTMENT | ORIGINAL PO TYPE/ CHANGE PO TYPE | SUPPLIER | PO LINE DESCRIPTION | ORIGINAL PO VALUE | CHANGE IN VALUE ** | CURRENT PO VALUE | TOTAL VALUE FORMALLY PROCURED | TOTAL VALUE SINGLE SOURCE |
|------------------------------|-------|--------------------|----------------------------------|------------------------------------|--|-------------------|--------------------|------------------|-------------------------------|---------------------------|
| 2021-04-14 2024-04-16 | 90653 | Public Works | FRM - SNG | Associated Engineering (Ont.) Ltd. | 2021-RFP-17 - RR34 Seventh St Bridge RFP for Detailed Design | \$ 116,780.00 | \$ 414,895.00 | \$ 298,115.00 | \$116,780.00 | \$ 298,115.00 |

SCOPE CHANGE, JUSTIFICATION, BY-LAW REF and RATIONALE FOR INCREASE IF SINGLE SOURCE
The original purchase underwent a competitive procurement process. The Contract Administration, Inspection, Geotechnical Materials Testing and Post Construction documentation was included as a Provisional Section in 2021-RFP-17 and was evaluated competitively at that time. However, due to budget allocation timing the anticipated construction timing of this project was delayed and the consultant is seeking additional fees based on this variance. 18(a)(i) the compatibility of a Purchase with existing equipment, product standards, facilities or service is a paramount consideration; continuation of the current consulting assignment in order to maintain quality and control to ensure the designs being completed during construction, meet the required Regional, Provincial and Municipal standards.

| PO DATE/ PO LAST CHANGE DATE | PO # | *REGION DEPARTMENT | ORIGINAL PO TYPE/ CHANGE PO TYPE | SUPPLIER | PO LINE DESCRIPTION | ORIGINAL PO VALUE | CHANGE IN VALUE ** | CURRENT PO VALUE | TOTAL VALUE FORMALLY PROCURED | TOTAL VALUE SINGLE SOURCE |
|---|-----------------|-------------------------------|---|--|---|------------------------------|-------------------------------|-----------------------------|--|--|
| 2023-01-06 2024-04-04 | 114606 | Public Works | FRM - SNG | Elite Group(1073968 5 Canada Inc.) | 2022-T-206 Port Dalhousie Boiler Replacement RFT/ 2022- T-206 Port Dalhousie Boiler Replacement RFT | \$ 635,900.00 | \$ 943,583.00 | \$ 307,683.00 | \$635,900.00 | \$ 307,683.00 |

SCOPE CHANGE, JUSTIFICATION, BY-LAW REF and RATIONALE FOR INCREASE IF SINGLE SOURCE
 The Elite Group was retained through a competitive bid process RFT 2022-T-206 and awarded construction of the Port Dalhousie Boiler Upgrade. However due to additional findings during construction and requests from the Niagara Region, there is a need to increase the scope of the project. 18(a)(i) the compatibility of a Purchase with existing equipment, product standards, facilities or service is a paramount consideration; as The Elite Group is familiar with this immediate area and this work is directly related to the system that is being upgraded as part of the project.

**Listing of Non-Competitive Procurement Activity by Change PO
Q2 (Apr-Jun) 2024**

| PO DATE/ PO LAST CHANGE DATE | PO # | *REGION DEPARTMENT | ORIGINAL PO TYPE/ CHANGE PO TYPE | SUPPLIER | PO LINE DESCRIPTION | ORIGINAL PO VALUE | CHANGE IN VALUE ** | CURRENT PO VALUE | TOTAL VALUE FORMALLY PROCURED | TOTAL VALUE SINGLE SOURCE |
|---|-----------------|-------------------------------|---|---------------------------------------|--|------------------------------|-------------------------------|-----------------------------|--|--|
| 2021-04-09 2024-05-23 | 90421 | Public Works | FRM - SNG | GM BluePlan Engineering Limited | 2020-RFP-205 - Lakeshore Rd SPS - EA and Conceptual Design | \$ 154,531.00 | \$ 595,956.00 | \$ 441,425.00 | \$154,531.00 | \$ 441,425.00 |

SCOPE CHANGE, JUSTIFICATION, BY-LAW REF and RATIONALE FOR INCREASE IF SINGLE SOURCE
 GM BluePlan (GMBP) was retained through competitive bid process (2020-RFP-205) and awarded Consulting Services for an Environmental Analysis and Enhanced Conceptual Design for the Lakeshore Road Sewage Pump Station on April 9, 2021. Assignment was for the completion of an Environmental Assessment (EA) and enhanced conceptual design of the preferred alternative, with potential for facility relocation. During completion of the EA, it was determined that expedited detailed design and tendering was required. During the ongoing design assignment, GMBP was asked to revisit design of the inlet valve chamber. Due to site limitations, this will now require further scope to complete the necessary design modifications. 18(a)(i) the compatibility of a Purchase with existing equipment, product standards, facilities or service is a paramount consideration; as GM BluePlan is familiar with the immediate area and has an in-depth knowledge of the station as a result of the ongoing Municipal Class EA and can complete the detailed design assignment in a timely manner meeting the project constraints and challenges; and 18(a)(iv) a situation of urgency exists; it is in the best interest of the project to single source this assignment as a competitive procurement process will extend the project schedule which would cause project delays and increase the risk of station failure impacting local residents, maintenance staff and the surrounding environment.

**Listing of Non-Competitive Procurement Activity by Change PO
Q2 (Apr-Jun) 2024**

| PO DATE/ PO LAST CHANGE DATE | PO # | *REGION DEPARTMENT | ORIGINAL PO TYPE/ CHANGE PO TYPE | SUPPLIER | PO LINE DESCRIPTION | ORIGINAL PO VALUE | CHANGE IN VALUE ** | CURRENT PO VALUE | TOTAL VALUE FORMALLY PROCURED | TOTAL VALUE SINGLE SOURCE |
|---|-----------------|-------------------------------|---|---|---|------------------------------|-------------------------------|-----------------------------|--|--|
| 2020-04-28 2024-04-17 | 76050 | Public Works | FRM - SNG | Palmer Environmental Consulting Group Inc. | 2020-RFP-20 - NFWWTP Secondary Treatment Upgrades - Geotechnical | \$ 145,065.00 | \$ 577,060.00 | \$ 431,995.00 | \$145,065.00 | \$ 431,995.00 |

SCOPE CHANGE, JUSTIFICATION, BY-LAW REF and RATIONALE FOR INCREASE IF SINGLE SOURCE
Palmer Environmental Consulting Group (PECG) was initially retained through competitive bid process 2020-RFP-20, and awarded the 2020 Niagara Falls Wastewater Treatment Plant Geotechnical and Hydrogeological Investigation, for the Niagara Falls Wastewater Treatment Plant Secondary Treatment Upgrades project, on April 28, 2020. PECG was subsequently awarded provisional construction services. The plant has experienced ongoing operational issues which have led to issue of MECP provincial orders and a federal government warning letter. Due to discovery of significant soil and groundwater contamination during design, additional sampling and analysis during construction will be required, and there is corresponding need to increase the scope of the project in conjunction with the award of the provisional services. This work is critical and needs to be completed as soon as possible as the MECP has issued a compliance order related to the NFWWTP site.18(a)(i), the compatibility of a Purchase with existing equipment, product standards, facilities or service is a paramount consideration; as PECG is familiar with this immediate area having supported previous site design and construction activities.

**Listing of Non-Competitive Procurement Activity by Change PO
Q2 (Apr-Jun) 2024**

| PO DATE/ PO LAST CHANGE DATE | PO # | *REGION DEPARTMENT | ORIGINAL PO TYPE/ CHANGE PO TYPE | SUPPLIER | PO LINE DESCRIPTION | ORIGINAL PO VALUE | CHANGE IN VALUE ** | CURRENT PO VALUE | TOTAL VALUE FORMALLY PROCURED | TOTAL VALUE SINGLE SOURCE |
|------------------------------|-------|--------------------|----------------------------------|---------------------|---|-------------------|--------------------|------------------|-------------------------------|---------------------------|
| 2020-12-16 2024-04-11 | 85727 | Public Works | FRM - SNG | Morrison Hershfield | 2020-RFP-142 - Ontario Street Watermain Replacement - Town of Lincoln | \$ 170,256.80 | \$ 640,695.40 | \$ 470,438.60 | \$390,782.40 | \$ 249,913.00 |

SCOPE CHANGE, JUSTIFICATION, BY-LAW REF and RATIONALE FOR INCREASE IF SINGLE SOURCE
Morrison Hershfield was initially retained through a competitive bid process 2020-RFP-142 and awarded to complete the detailed design, tendering and contract administration and inspection services for the Ontario Street Sanitary Sewer & Watermain Replacement project on December 14th, 2020. Due to additional findings during construction, there is a need to increase the scope of the assignment. It was determined a realignment of the proposed infrastructure would reduce the amount of watermain and sanitary bypassing that would be required by the contractor in order to install the new watermain and sanitary sewer infrastructure as per the tendered drawings. Provisional CA&I was awarded, but with heightened public engagement, additional hours of CA&I were required. This increase in support provides the Region with proper oversight and inspection during construction to ensure that the project is constructed in compliance with the drawings and specifications. 18(a)(i) the compatibility of a Purchase with existing equipment, product standards, facilities or service is a paramount consideration; as Morrison Hershfield is familiar with this immediate area having completed the design and tendering process for the Ontario Street Sanitary & Watermain Replacement project.

| PO DATE/ PO LAST CHANGE DATE | PO # | *REGION DEPARTMENT | ORIGINAL PO TYPE/ CHANGE PO TYPE | SUPPLIER | PO LINE DESCRIPTION | ORIGINAL PO VALUE | CHANGE IN VALUE ** | CURRENT PO VALUE | TOTAL VALUE FORMALLY PROCURED | TOTAL VALUE SINGLE SOURCE |
|------------------------------|--------|--------------------|----------------------------------|-----------------------------------|--|-------------------|--------------------|------------------|-------------------------------|---------------------------|
| 2023-12-21 2024-06-12 | 128594 | Public Works | SNG - SNG | Rush Truck Centres of Canada Ltd. | 2024 Rush Truck International - OEM Parts/ Rush Truck International - OEM Services & Repairs | \$ 19,999.00 | \$ 330,000.00 | \$ 310,001.00 | \$0.00 | \$ 330,000.00 |

SCOPE CHANGE, JUSTIFICATION, BY-LAW REF and RATIONALE FOR INCREASE IF SINGLE SOURCE
Rush Truck Centre of Canada is the OEM (Original Equipment Manufacturer) dealer and sole distributor in Niagara of International Truck Goods and Services for Niagara Region vehicles. Original requested values based on 2021 spend. Change orders processed as need increased. 18.(a)(i) the compatibility of a Purchase with existing equipment, product standards, facilities or service is a paramount consideration.

**Listing of Non-Competitive Procurement Activity by Change PO
Q2 (Apr-Jun) 2024**

| PO DATE/ PO LAST CHANGE DATE | PO # | *REGION DEPARTMENT | ORIGINAL PO TYPE/ CHANGE PO TYPE | SUPPLIER | PO LINE DESCRIPTION | ORIGINAL PO VALUE | CHANGE IN VALUE ** | CURRENT PO VALUE | TOTAL VALUE FORMALLY PROCURED | TOTAL VALUE SINGLE SOURCE |
|---|-----------------|-------------------------------|---|------------------------------------|---|------------------------------|-------------------------------|-----------------------------|--|--|
| 2023-03-01 2024-05-27 | 117164 | Public Works | SNG - SNG | Atlas Dewatering Corporation | Stevensville Douglastown Lagoon Pumping | \$ 162,450.00 | \$ 479,900.00 | \$ 317,450.00 | \$0.00 | \$ 479,900.00 |

SCOPE CHANGE, JUSTIFICATION, BY-LAW REF and RATIONALE FOR INCREASE IF SINGLE SOURCE
 Rehabilitation is required to address operational and sustainability concerns for the Stevensville-Douglastown lagoons. The lagoons were constructed in 1982 and have not had any significant upgrades since. This project is in two phases. The scope of this phase (phase 2) is the draining of Cell #1 to remove the accumulated sludge, and rehabilitate the berms to original specifications. Removing cell #1 from service during Construction, resulted in reduced capacity of the lagoons and caused the ammonia results to be out of compliance. A temporary pumping set-up needs to be re-installed in order to recirculate the contents of Cell #2. Without this the lagoons risk continuing to be out of compliance. Due to delays in executing Phase 2 and to keep the lagoons in compliance with the MECP, pumping requirements are needed for an extended period of time. 18(a)(iv) an unforeseeable situation of urgency exists and the Goods and/or Services cannot be obtained in time by means of open procurement procedures; Atlas Dewatering Corporation are familiar with the Region's wastewater operations, and is already mobilized and running on site. Few service providers are able to offer this service, and extra time spent on competitive procurement can put the Region at risk of continued non-compliance.

**Listing of Non-Competitive Procurement Activity by Change PO
Q2 (Apr-Jun) 2024**

| PO DATE/ PO LAST CHANGE DATE | PO # | *REGION DEPARTMENT | ORIGINAL PO TYPE/ CHANGE PO TYPE | SUPPLIER | PO LINE DESCRIPTION | ORIGINAL PO VALUE | CHANGE IN VALUE ** | CURRENT PO VALUE | TOTAL VALUE FORMALLY PROCURED | TOTAL VALUE SINGLE SOURCE |
|------------------------------|-------|--------------------|----------------------------------|----------------------------------|---|-------------------|--------------------|------------------|-------------------------------|---------------------------|
| 2019-05-29 2024-04-08 | 60072 | Public Works | SPE - SNG | Kerry T Howe Engineering Limited | Dain City Forcemain Replacement- Contract Administration/ Change PO | \$ 186,399.36 | \$ 827,635.66 | \$ 641,236.30 | \$0.00 | \$ 827,635.66 |

SCOPE CHANGE, JUSTIFICATION, BY-LAW REF and RATIONALE FOR INCREASE IF SINGLE SOURCE
 Kerry T. Howe Engineering (KTH) was initially retained under special circumstances and awarded detailed design, tendering, contract administration, and inspection (CA&I) of the Dain City Emergency Forcemain Replacement (Project) on May 29, 2019. Due to an extended construction duration, additional unforeseen work, and requests from the Niagara Region, there is a need to increase the scope of the assignment. 18(a)(i) as KTH is familiar with this immediate area as they are currently performing contract administration and inspection duties for Phase 4B and have already completed the detailed design for each phase along with the contract administration and inspection for each of the previous phases.

*NRPS, NRH and NTC are not included in the datasets outlined herein as these agencies operated under their own Procurement By-law and/or Governing Bodies

**Existing system reports are generated at a point in time and POs may have multiple change orders over the reporting period. As such, it is difficult to distinguish dollar values where Change POs (amendments) were formally procured and those which were additional in scope (Single Source); the totals in the reports represent the cumulative of both amounts.

***All Purchase Orders referenced herein were created with a minimum mandatory reference to the applicable By-law section and exception and a detailed and appropriate justification which supported the referenced exception; staff implemented they were created in alignment with initiatives which addressed control deficiencies outlined in the previous audit (as evidenced in the findings outlined in Report AC-C 16-2023), and all were approved in accordance with the authorities for non-competitive procurement as outlined in the Procurement By-law.