

TORONTO PARKING AUTHORITY

POLICY RESOLUTION

Appendix B 5-7

ITEM: **Procurement Policy
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~~195~~-A1.1 Effective period.

The amendments to ~~TPA Chapter 195~~Policy 5-7, Procurement Policy, contained in this ~~Schedule A~~Appendix B shall be in ~~force and~~ effect at any time when in the opinion of the ~~City Manager~~TPA Management and the ~~Chief Procurement Officer, in consultation with~~ the Chief Financial Officer and Treasurer and City Solicitor, the following conditions have been met:

The Government of Canada or the Province of Ontario ~~or the City of Toronto~~, or ~~both~~all, have provided direction to the ~~City~~TPA to take some or all the actions described in ~~Schedule A~~Appendix B ~~to this by-law~~; or

Tariffs have been implemented by the United States of America against Canadian goods imported into the United States after the date this ~~by-law comes into force~~Appendix B goes into effect, and the federal Government of Canada has imposed retaliatory tariffs on American goods being imported into Canada from the United States in response.

For greater clarity, the amendments contained in this ~~Schedule A~~Appendix B shall not be in ~~force or~~ effect when in the opinion of the ~~City Manager~~TPA Management and the ~~Chief Procurement Officer, in consultation with the Chief Financial Officer and Treasurer~~ and City Solicitor, the conditions in subsection A1.1A(1) and (2) have not been met.

~~195~~-A1.2. Definitions.

~~'Section 2.4~~Definitions' section of ~~Chapter 195~~Policy 5-7, Procurement Policy, is amended as follows:

by deleting the definitions "Competitive Procurement", "~~Ineligible Supplier~~", "Open Competitive Procurement" and "Supplier" from section ~~2.4~~'Definitions'

by adding the following definitions to section ~~2.4~~'Definitions':

CANADIAN SUPPLIER - A supplier, manufacturer or distributor of any business structure that conducts its activities on a permanent basis in Canada. The business either:

has its headquarters or principal place of business in any province or territory of Canada; or

has at least 70% of its employees in Canada at the time of the bid submission of the applicable procurement process; or

is a Canadian Business Subsidiary.

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CANADIAN BUSINESS SUBSIDIARY - A corporation operating in Canada, that acts as a supplier, manufacturer or distributor of goods and services and is controlled by a parent corporation outside of Canada, and where:

the business subsidiary has permanent offices or production facilities, and

a minimum of 70% of the deliverables will be provided by employees based in Canada.

COMPETITIVE PROCUREMENT - A solicitation where suppliers as defined in this [ScheduleAppendix](#) are given an opportunity to bid, whether by invitation or by advertisement to the public, and which may include a process for conducting negotiations with one or more suppliers.

INELIGIBLE SUPPLIER – A supplier that has been convicted of charges as described in Section [13.5 of the Chapter Supplier Code of Conduct](#) subsection 'Illegality' of the Policy, and may from time to time, also include USA Based Suppliers, if they are deemed ineligible to bid on competitive [City of Toronto TPA](#) solicitations in accordance with Section [A1.53-2](#) of this [ScheduleAppendix](#).

NON-AMERICAN BUSINESS SUBSIDIARY - A business subsidiary controlled by a parent corporation operating on a permanent basis in the USA, that acts as a supplier, manufacturer or distributor of goods, where:

the business subsidiary has permanent offices or production facilities outside of the USA; and

a minimum of 70% of the deliverables will be provided by employees based outside of the USA.

NON-AMERICAN SUPPLIER - A supplier, manufacturer or distributor of any business structure that does not meet the definition of "American Based Supplier".

OPEN COMPETITIVE PROCUREMENT - A competitive solicitation method, where a notice of intended procurement is advertised to the public, giving suppliers as defined in this [ScheduleAppendix](#) an equal opportunity to bid on the solicitation and prove their qualifications.

TRADE PARTNER SUPPLIER - A supplier, manufacturer or distributor of any business structure that conducts its activities on a permanent basis within a country that is a party to an international trade agreement applicable to municipalities in Canada. The Trade Partner Supplier either:

has its headquarters or main office within a country that is a party to an international trade agreement applicable to municipalities in Canada, or

has at least 70% of its employees based in a country that is a party to an international trade agreement applicable to municipalities in Canada at the time of bid submission deadline of the applicable procurement process.

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SUPPLIER - A person or group of persons that provides or could provide goods or services, and may include a Canadian Supplier, a Canadian Business Subsidiary, a Non- American Supplier, a Non-American Business Subsidiary, a Trade Partner Supplier, and a USA Based Supplier.

USA BASED SUPPLIER - A supplier, manufacturer or distributor of any business structure that conducts its activities on a permanent basis in the United States of America ("USA"). The business either:

has its headquarters or principal place of business in any state or territory of the USA; or

has at least 70% of its employees in the USA at the time of the bid submission of applicable procurement process.

USA Based Supplier does not include a Non-American Business Subsidiary.

~~195-A1.3. Monetary thresholds and applicable trade agreement.~~

~~If in the opinion of the Chief Procurement Officer, there is a change to the monetary thresholds applicable to municipal procurement in the Canadian Free Trade Agreement, the Trade and Cooperation Agreement between Ontario and Quebec, or the Canada-European Union Comprehensive Economic and Trade Agreement, the Chief Procurement Officer shall be authorized to immediately apply the changed monetary thresholds to Sections 3.1(B)(1), 3.1(O), 4.1(D), 6.4(A), 7.2(A), 7.4(A), 10.2(C), 11.1(A) and 11.1(G) of Chapter 195 to align with the updated trade agreements.~~

~~The City Solicitor, in consultation with the Chief Procurement Officer, is authorized to submit a bill directly to Council to reflect the outcome of A1.3(A).~~

~~195-A1.34. The following are being added to the section 'General duties and responsibilities of Chief Procurement Officer' TPA Management Responsibilities':~~

~~§ 195-3.1(D)(2) is deleted and replaced as follows:~~

~~(2) — Rejecting bids made by ineligible and suspended suppliers, or that are otherwise in contravention of this Chapter Policy, Schedule A Appendix B to this Chapter Policy, or Council policy regarding supplier eligibility and conduct;~~

~~§ 195-3.1(D)(2) is amended by adding Subsection (9) as follows:~~

~~(9) — Developing and including measures in solicitations, where appropriate and where possible, to prefer bids submitted by Canadian Suppliers and Trade Partner Suppliers, as applicable, in accordance with this Schedule A Appendix B.~~

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~~195-A1.45.~~ **45.** “Buy Canadian” measures

~~‘Competitive Solicitations’ under section ‘Standard Solicitation Methods’ § 195-6.3~~ is amended by adding Subsections ~~6.3.1(CS1), 6.3.2(CS2) and 6.3.3(CS3)~~ as follows:

~~(CS1)~~ For new competitive procurements issued on or after ~~March 7~~**October 16, 2025**, ~~Canadian Suppliers~~ shall be the only suppliers eligible to bid on City solicitations valued under the applicable Canada-European Union Comprehensive Economic and Trade Agreement monetary thresholds for municipal procurement, as follows:

under \$353,300 for goods and services, and

under \$8,800,000 for construction.

~~(CS2)~~ For new procurements with values exceeding the monetary thresholds in Section A1.45 of this ~~Schedule A~~**Appendix B** and which are subject to the Canada-European Union Comprehensive Economic and Trade Agreement, the ~~Chief Procurement Officer~~**TPA Management** will include measures in the ~~City’s TPA’s~~ solicitations to prefer bids submitted by Canadian Suppliers and Trade Partner Suppliers, where appropriate and where possible.

~~(CS3)~~ All procurements undertaken under Sections ~~6.3.1(CS1) and 6.3.2-(CS2)~~ shall be conducted and contracts executed in accordance with the applicable authority for competitive procurements as set out in ~~the Chapter and in Chapter 71, Financial Control~~**this Policy 5-7 Procurement Policy and Policy 5-10 Delegated Authorities and Execution Responsibilities**.

~~195-A1.56.~~ **56.** Bids from American Based Suppliers – Potential restrictions

~~‘Competitive Solicitations’ under section ‘Standard Solicitation Methods’ § 195-6.3~~ is amended by adding Section ~~6.3.4(CS4)~~ as follows:

~~(CS4)~~ USA Based Suppliers may be deemed ineligible to bid on competitive ~~City TPA~~ procurements, if it is deemed by the ~~City Manager~~**TPA Management**, or their delegate, ~~and the Chief Procurement Officer~~, in consultation with the City Solicitor, to be in the best interest of the ~~City TPA~~ to not allow bids from USA Based Suppliers.

~~195-A1.67.~~ **67.** Non-competitive procurement exceptions – USA Based Suppliers

~~§ 195-7.1 ‘Non-Competitive or Limited Solicitations’ under section ‘Standard Procurement Methods’~~ is amended by adding ~~Section 7.1.1~~**Subsections (NCLS1) and 7.1.2(NCLS 2)** as follows:

~~(NCLS 1)~~ ^(O&B) A non-competitive procurement may be undertaken with a USA Based Supplier only if, in the opinion of the ~~City Manager~~**TPA Management**, or their delegate, ~~and the Chief Procurement Officer~~, in consultation with the City Solicitor, it would be in the best interest of the ~~City TPA~~.

—————~~(NCLS 2)~~ ^(O&B) Non-competitive procurements undertaken under ~~Subsection 7.1.1-s(NCLS 1)~~ shall be awarded and contracts executed in accordance with the applicable authority for non-competitive procurements as set out in ~~this Chapter Policy and in Chapter 71 Policy 5-10, Financial Control~~**Delegated Authorities and Execution Responsibilities**.

~~195-A1.78.~~ **78.** Limited solicitation exceptions

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~~§ 195-7.2~~ 'Limited Solicitations Exceptions – additional' under section 'Standard Procurement Methods' is amended by adding Subsections C(LSE1) and D(LSE 2) as follows:

(LSE1) Where, in the opinion of the ~~City Manager~~ TPA Management and the Chief Procurement Officer, in consultation with the City Solicitor, it would not be in the ~~City's~~ TPA's best interest to solicit open competitive bids.

~~(LSE2) 2)~~ Limited solicitations undertaken under ~~Section 7.2-ubsection~~ (LSE1C) shall be awarded and contracts executed in accordance with the applicable authority for limited solicitations as set out in ~~the~~ is ~~Chapter Policy~~ and in ~~Chapter 74~~ Policy 5-10, Financial Control Delegated Authorities and Execution Responsibilities.

~~195-A1.89.~~ 89. Conflict with policies and procedures.

If there is a conflict or inconsistency between the ~~Chapter Policy~~ and this ~~Schedule~~ Appendix, the ~~Schedule~~ Appendix shall govern and take precedence.

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A1.1 Effective period.

The amendments to TPA Policy 5-7, Procurement Policy, contained in this Appendix B shall be in effect at any time when in the opinion of the TPA Management and the City Solicitor, the following conditions have been met:

The Government of Canada or the Province of Ontario or the City of Toronto, or all, have provided direction to the TPA to take some or all the actions described in Appendix B; or

Tariffs have been implemented by the United States of America against Canadian goods imported into the United States after the date this Appendix B goes into effect, and the federal Government of Canada has imposed retaliatory tariffs on American goods being imported into Canada from the United States in response.

For greater clarity, the amendments contained in this Appendix B shall not be in effect when in the opinion of the TPA Management and City Solicitor, the conditions in subsection A1.1A(1) and (2) have not been met.

A1.2 Definitions.

'Definitions' section of Policy 5-7, Procurement Policy, is amended as follows:

by deleting the definitions "Competitive Procurement", "Open Competitive Procurement" and "Supplier" from section 'Definitions'

by adding the following definitions to section 'Definitions':

CANADIAN SUPPLIER - A supplier, manufacturer or distributor of any business structure that conducts its activities on a permanent basis in Canada. The business either:

has its headquarters or principal place of business in any province or territory of Canada; or

has at least 70% of its employees in Canada at the time of the bid submission of the applicable procurement process; or

is a Canadian Business Subsidiary.

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the business subsidiary has permanent offices or production facilities, and

a minimum of 70% of the deliverables will be provided by employees based in Canada.

COMPETITIVE PROCUREMENT - A solicitation where suppliers as defined in this Appendix are given an opportunity to bid, whether by invitation or by advertisement to the public, and which may include a process for conducting negotiations with one or more suppliers.

INELIGIBLE SUPPLIER – A supplier that has been convicted of charges as described in Section ‘Supplier Code of Conduct’ subsection ‘Illegality’ of the Policy, and may from time to time, also include USA Based Suppliers, if they are deemed ineligible to bid on competitive TPA solicitations in accordance with Section A1.5 of this Appendix.

NON-AMERICAN BUSINESS SUBSIDIARY - A business subsidiary controlled by a parent corporation operating on a permanent basis in the USA, that acts as a supplier, manufacturer or distributor of goods, where:

the business subsidiary has permanent offices or production facilities outside of the USA; and

a minimum of 70% of the deliverables will be provided by employees based outside of the USA.

NON-AMERICAN SUPPLIER - A supplier, manufacturer or distributor of any business structure that does not meet the definition of “American Based Supplier”.

OPEN COMPETITIVE PROCUREMENT - A competitive solicitation method, where a notice of intended procurement is advertised to the public, giving suppliers as defined in this Appendix an equal opportunity to bid on the solicitation and prove their qualifications.

TRADE PARTNER SUPPLIER - A supplier, manufacturer or distributor of any business structure that conducts its activities on a permanent basis within a country that is a party to an international trade agreement applicable to municipalities in Canada. The Trade Partner Supplier either:

has its headquarters or main office within a country that is a party to an international trade agreement applicable to municipalities in Canada, or

has at least 70% of its employees based in a country that is a party to an international trade agreement applicable to municipalities in Canada at the time of bid submission deadline of the applicable procurement process.

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USA BASED SUPPLIER - A supplier, manufacturer or distributor of any business structure that conducts its activities on a permanent basis in the United States of America ("USA"). The business either:

has its headquarters or principal place of business in any state or territory of the USA; or

has at least 70% of its employees in the USA at the time of the bid submission of applicable procurement process.

USA Based Supplier does not include a Non-American Business Subsidiary.

A1.3. The following are being added to the section 'TPA Management Responsibilities':

Rejecting bids made by ineligible and suspended suppliers, or that are otherwise in contravention of this Policy, Appendix B to this Policy, regarding supplier eligibility and conduct;

Developing and including measures in solicitations, where appropriate and where possible, to prefer bids submitted by Canadian Suppliers and Trade Partner Suppliers, as applicable, in accordance with this Appendix B.

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A1.4. “Buy Canadian” measures

‘Competitive Solicitations’ under section ‘Standard Procurement Methods’ is amended by adding Subsections (CS1), (CS2) and (CS3) as follows:

(CS1) For new competitive procurements issued on or after October 16, 2025, Canadian Suppliers shall be the only suppliers eligible to bid on City solicitations valued under the applicable Canada-European Union Comprehensive Economic and Trade Agreement monetary thresholds for municipal procurement, as follows:

under \$353,300 for goods and services, and

under \$8,800,000 for construction.

(CS2) For new procurements with values exceeding the monetary thresholds in Section A1.4 of this Appendix B and which are subject to the Canada-European Union Comprehensive Economic and Trade Agreement, the TPA Management will include measures in the TPA’s solicitations to prefer bids submitted by Canadian Suppliers and Trade Partner Suppliers, where appropriate and where possible.

(CS3) All procurements undertaken under Sections (CS1) and (CS2) shall be conducted and contracts executed in accordance with the applicable authority for competitive procurements as set out in this Policy 5-7 Procurement Policy and Policy 5-10 Delegated Authorities and Execution Responsibilities.

A1.5. Bids from American Based Suppliers – Potential restrictions

‘Competitive Solicitations’ under section ‘Standard Solicitation Methods’ is amended by adding Section (CS4) as follows:

(CS4) USA Based Suppliers may be deemed ineligible to bid on competitive TPA procurements, if it is deemed by the TPA Management, or their delegate, in consultation with the City Solicitor, to be in the best interest of the TPA to not allow bids from USA Based Suppliers.

A1.6. Non-competitive procurement exceptions – USA Based Suppliers

‘Non-Competitive or Limited Solicitations’ under section ‘Standard Procurement Methods’ is amended by adding Subsections (NCLS1) and (NCLS 2) as follows:

(NCLS 1) ~~(NCLS 1)~~ A non-competitive procurement may be undertaken with a USA Based Supplier only if, in the opinion of the TPA Management, or their delegate, in consultation with the City Solicitor, it would be in the best interest of the TPA.

(NCLS 2) ~~(NCLS 2)~~ Non-competitive procurements undertaken under Subsection (NCLS 1) shall be awarded and contracts executed in accordance with the applicable authority for non-competitive procurements as set out in this Policy and in Policy 5-10, Delegated Authorities and Execution Responsibilities.

A1.7. Limited solicitation exceptions

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'Limited Solicitations Exceptions – additional' under section 'Standard Procurement Methods' is amended by adding Subsections (LSE1) and (LSE 2) as follows:

(LSE1) Where, in the opinion of the TPA Management, in consultation with the City Solicitor, it would not be in the TPA's best interest to solicit open competitive bids.

(LSE2) Limited solicitations undertaken under Subsection (LSE1) shall be awarded and contracts executed in accordance with the applicable authority for limited solicitations as set out in this Policy and in Policy 5-10, Delegated Authorities and Execution Responsibilities.

A1.8. Conflict with policies and procedures.

If there is a conflict or inconsistency between the Policy and this Appendix, the Appendix shall govern and take precedence.