

## PROCUREMENT - SUPPLIER CODE OF CONDUCT

FIN-5-7

The City requires its suppliers to act with integrity and conduct business in an ethical manner. The City may refuse to do business with any supplier that has engaged in illegal or unethical bidding practices, has an undisclosed actual or potential conflict of interest or an unfair advantage, or fails to adhere to ethical business practices.

Suppliers are responsible for employees, representatives, agents, or subcontractors acting on their behalf to conduct themselves in accordance with this code of conduct.

The City may require the immediate removal and replacement of any individual or entity acting on behalf of a supplier that conducts themselves in a manner inconsistent with this code of conduct.

The City may refuse to do business with any supplier that is unwilling or unable to comply with such requirement.

### ILLEGAL OR UNETHICAL BIDDING PRACTICES

Illegal or unethical bidding practices include the following:

- bid-rigging, price-fixing, bribery, collusion, or other behaviors or practices prohibited by federal or provincial statutes
- offering gifts or favors, regardless of the value to the City's officers, employees, appointed or elected officials or any other representative of the City;
- engaging in any prohibited communications during a procurement process;
- submitting inaccurate or misleading information in a procurement process; and
- engaging in any other activity that compromises the City's ability to run a fair procurement process.

The City will report any suspected cases of collusion, bid-rigging, or other offenses under the *Competition Act* to the Competition Bureau or to other relevant authorities.

### CONFLICTS OF INTEREST

All suppliers participating in a procurement process must declare any perceived, possible, or actual conflicts of interest.

The term conflict of interest, when applied to suppliers, includes any situation or circumstance where:

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- in the context of a procurement process, the supplier has an unfair advantage or engages in conduct, directly or indirectly, that may give it an unfair advantage, including, but not limited to:
  - having, or having access to, confidential information of the City that is not available to other suppliers;
  - having been involved in the development of the procurement document, including having provided advice or assistance in the development of the procurement document;
  - receiving advice or assistance in the preparation of its response from any individual or entity that was involved in the development of the procurement document;
  - communicating with any person with a view to influencing preferred treatment in the procurement process (including, but not limited to, the lobbying of decision makers involved in the procurement process); or
  - engaging in conduct that compromises, or could be seen to compromise, the integrity of an open and competitive procurement process or render that process non-competitive or unfair; or
- in the context of performance under a potential contract, the supplier's other commitments, relationships, or financial interests:
  - could, or could be seen to, exercise an improper influence over the objective, unbiased, and impartial exercise of its independent judgement; or
  - could, or could be seen to, compromise, impair, or be incompatible with the effective performance of its contractual obligations.

Where a supplier is retained to participate in the development of a solicitation document or the specifications for inclusion in a solicitation document, that supplier will not be allowed to respond, directly or indirectly, to that solicitation document, and their participation will be disclosed in solicitation documents.

### ETHICAL BUSINESS PRACTICES

In providing deliverables to the City, suppliers are expected to adhere to ethical business practices, including the following:

- performing all contracts in a professional and competent manner and in accordance with the terms and conditions of the contract and the duty of honest performance
- complying with all applicable laws, including safety and labor codes (both domestic and international as may be applicable)
- providing workplaces that are free from harassment and discrimination

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