



The Corporation of the Municipality of

Central Elgin

BY-LAW 2448

Being a By-law of
The Corporation of the Municipality of Central Elgin
To Amend By-Law 2331
Respecting the Procurement of Goods and Services.

WHEREAS the Municipality of Central Elgin enacted By-law 2331 under subsection 270 (1)(3) of *The Municipal Act*, R.S.O. 2001, c. 25, as amended, requires a municipality to adopt policies with respect to its procurement of goods and services;

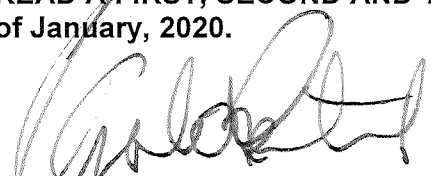
NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE MUNICIPALITY OF CENTRAL ELGIN ENACTS AS FOLLOWS:

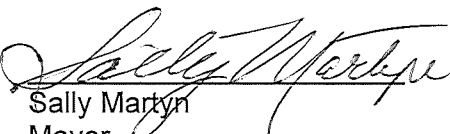
1. By-law 2331 is hereby repealed and replaced by By-law 2448.
2. This by-law shall come into force and effect upon the passing thereof.

READ a FIRST and a SECOND TIME this 27th day of January, 2020.

READ a THIRD TIME and FINALLY PASSED this 27th day of January, 2020.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 27th day of January, 2020.


Donald N. Leitch
CAO/Clerk


Sally Martyn
Mayor

SCHEDULE A
By-Law No. 2448
CORPORATION OF THE MUNICIPALITY OF CENTRAL ELGIN
PROCUREMENT BY-LAW

Part I - Definitions

1. For the purposes of this By-law,

“best overall value” means the best cost after all factors and criteria as set out in the bid call are considered and is not limited to the lowest dollar price;

“bid” means any offer or submission made by a person in response to a bid call pursuant to this By-law;

“bid document” means any document issued by the Municipality pursuant to this By-law;

“bid call” means any invitation to submit a quotation, sealed quotation, tender, proposal or other form of acquisition to the Procurement and Risk Management Coordinator pursuant to this By-law;

“acquisition” means any form of procurement, purchase, lease or rental of goods and/or services

“Mayor” means the Mayor or his or her designate;

“Chief Administrative Officer” means the Chief Administrative Officer for the Municipality, his or her designate, or any successor position thereto;

“Director of Finance” means the Director of Finance for the Municipality, his or her designate, or any successor position thereto;

“Procurement and Risk Management Coordinator” means the Procurement and Risk Management Coordinator as appointed pursuant to this By-law or his or her designate or any successor position thereto;

“Deputy Clerk” means the Deputy Clerk of the Municipality or his or her designate, or any successor position thereto;

“Director” means the Director of a Department, his or her designate, or any successor position thereto;

“compliant” means a bid that meets the terms and conditions of the bid call and that it has not been qualified by the bidder;

“Council” means the Council of the Municipality;

“Department” means any department or division of the Municipality;

“disability” or **“disabilities”** shall have the same meaning as that in the Ontarians with Disabilities Act, 2001, S.O. 2001, c.32 or any successor legislation thereto;

“emergency” means a situation where the immediate purchase of goods or services is essential to comply with any law, regulation or lawful order, to prevent delays in the work of any Department which might involve danger to life, damage to property or the provision of an essential service, or a threat to public health;

“Chief of Fire” means an emergency measures specialist as employed by the Municipality or any successor position or designate thereto;

“employee” means an employee of the Municipality;

“goods” includes all supplies, materials, equipment, vehicles and other personal property required for the operations or activities of the Municipality but does not include those goods as listed in Appendix “B” of this By-law, attached;

“litigation” means a situation where the person has commenced a proceeding against the Municipality or the Municipality has commenced a proceeding against the person, and in either case, the Municipality’s interest in the proceeding is uninsured;

“pending litigation” occurs where a claim which is uninsured by the Municipality for money or other relief, that includes a threat of legal proceedings, has been made in writing by either the person or the Municipality as against the other but no formal proceedings have been commenced;

“proposal” means an offer to supply goods or services on which end results are outlined but no detailed specifications are given by the Municipality as to how the goods or services are to be completed or performed;

“controlling interest” means any person with an interest in a business as defined and applied by the Income Tax Act (Canada)

“quotation” means an offer to supply certain specified goods or services at a specific rate in response to the information contained in the call for quotations;

“Municipality” means The Municipality of Central Elgin;

“services” includes any,

- (a) professional, consulting or training services;
- (b) services associated with the acquisition of goods;
- (c) services associated with the construction, demolition, maintenance, repair or upkeep of any buildings, premises or goods; or
- (d) the rental of any real property for a short duration of time,

or any other service required by and for the Municipality but does not include those services as listed in Appendix “B” of this By-law, attached; and

“tender” means an offer in writing to supply certain specified goods or services at a specific rate in response to information contained in a call for tenders;

Part II – Objective

2. It is the objective of the Municipality that all goods and services be acquired on a competitive, fair and transparent basis in a manner that is efficient and accountable.
3. To protect the Municipality, its officers and Councillors, the procurement process shall remain free from political influence or interference.

Part III – Procurement and Risk Management Coordinator

4. The Chief Administrative Officer shall, from time to time, instruct the Director of Finance to appoint a Procurement and Risk Management Coordinator to administer this By-law. The employee shall be under the direction of the Director of Finance and shall report to Council as required.
5. All acquisitions of goods and services by the Municipality and all purchasing inquiries of the Municipality regarding materials, prices, services, delivery, terms, conditions and adjustments shall be conducted through the Procurement and Risk Management Coordinator, in accordance with the provisions of this By-law, unless otherwise permitted herein.
6.
 - (1) The Procurement and Risk Management Coordinator/Director of Finance shall have all the necessary authority to administer this By-law and to carry out his or her duties on behalf of the Municipality.
 - (2) Without limiting subsection (1) of this section, the Procurement and Risk Management Coordinator shall have the authority to,
 - (a) acquire or dispose of goods through lease or rental agreements;
 - (b) establish administrative procedures and policies, which may include the establishment of an electronic bidding system, for the implementation and execution of this By-law;
 - (c) establish, through consultation with the Director of Finance, bid documents, administrative forms, purchase orders, contracts and other documents;
 - (d) set, through consultation with the Director of Finance, the terms and conditions for a bid call;
 - (e) act for any board, committee or body associated with the Municipality for the acquisition of their goods or services.

Part IV – Acquisitions

6. This Part shall apply to the acquisition of all goods and services by the Municipality unless otherwise permitted in this By-law or any other by-law of the Municipality. Procurement dollar value thresholds, approved authority, method of procurement and reporting requirements have been established and are presented in Appendix A, attached.
7. Acquisitions as presented in this section and Appendix A are considered to be the minimum standard and will become more formal and complex as the requirements and/or estimated value of the goods or services increase. Procurement and Risk Management may choose to use a more formal method of acquisition than are specified as the minimum standards.
 - (1) All acquisitions that exceed \$50,000 shall be:
 - (a) Issued formally by the Procurement and Risk Management Coordinator;
 - (b) Advertised and solicited in accordance with Part XI of this By-law.
 - (c) Reported to Council if they do not receive a minimum of three compliant bids
8. Where a request for quotation is required, employees may obtain quotes informally and formally. The Municipality shall:

- (1) Allow employees to obtain goods or services which they feel provide the best value from the competitive marketplace providing:
 - (a) the procurement does not exceed \$15,000
- (2) Where a request for quotation exceeds \$15,000, the employee shall obtain a minimum of three (3) quotes where reasonably possible for the goods or services. In the event three (3) quotes are not received, and the value of the quote exceeds \$50,000, Procurement and Risk Management may decide in conjunction with the requesting department to formally issue a tender.
- (3) notwithstanding subsection (2), any quote that exceeds \$50,000 but was issued formally shall be considered in accordance with this by-law.

9. Where a request for proposals are required, the Procurement and Risk Management Coordinator has determined that the requirements for goods or services cannot be sufficiently defined or specified. Terms and conditions for the request for proposals will be established along with evaluation criteria which will be utilized in the bid call. A request for proposals may be utilized for any dollar value and will follow a two envelope process.

- (1) The Procurement and Risk Management Coordinator will act as a facilitator.
- (2) A committee of no less than three (3) employees will be formed to evaluate proposals in accordance with the terms and conditions and established criteria as set out in the bid call.
- (3) Scores will be tabulated and award will be to the bid which provides the best overall value.
- (4) The Procurement and Risk Management Coordinator on behalf of the Municipality shall have the authority to negotiate the exact terms and conditions and price of any contract or other document before any person's proposal is accepted pursuant to this by-law.
- (5) For the purposes of this by-law, a proposal will be considered compliant upon opening of envelope one providing:
 - (a) the terms and conditions of the bid call have been met;

10. Where a request for consulting services is required, employees may obtain quotes informally and formally and may be utilized for any dollar value. The Municipality shall:

- (1) Allow employees to obtain consulting services which they feel provide the best value from the competitive marketplace providing:
 - (a) the procurement does not exceed \$50,000
- (2) Where a request for consulting services exceeds \$50,000 the employee may informally obtain a minimum of three (3) quotes where reasonably possible for the goods or services. In the event three (3) quotes are not received, the request was completed informally and the value of the request for consulting services exceeds \$100,000, Procurement and Risk Management shall cancel the request and formally issue a proposal.
- (3) all formally released requests for consulting services shall follow the same rules as a proposal as set out in section 9 of this by-law.

11. Where a request for tender is required, the Procurement and Risk Management Coordinator has determined that clearly defined specifications are available. Terms and Conditions along with specifications will be issued pursuant to this by-law. Award of the request for tender will be to the lowest compliant bidder in accordance with Appendix A. A request for tender may be utilized for any dollar value.
12. All non-binding procurement methods which may include but are not limited to Requests for Prequalification, Expressions of Interest, Request for Information or Request for Qualifications will be formally issued by the Procurement and Risk Management Coordinator.

Part V – Non Competitive Purchases - Purchase by Negotiation, Sole Source or Single Source

13. (1) The Procurement and Risk Management Coordinator may acquire any goods or services through negotiation where,
 - (a) there is only one known source of supply;
 - (b) in the judgment of the Procurement and Risk Management Coordinator, the goods or services are in short supply due to market conditions;
 - (c) two (2) or more identical bids are received;
 - (d) the lowest bid exceeds the estimated cost and it is impractical to recall the bid;
 - (e) all bids received are non-compliant and it is impractical to recall the bid;
 - (f) one (1) or no bids are received in a bid call;
 - (g) the extension of an existing or previous contract would prove more cost effective or beneficial for the Municipality;
 - (h) the acquisition involves the ongoing maintenance and service requirements for Municipal property;
 - (i) the acquisition involves the leasing, rental, disposal or purchase either by or for the Municipality of real property;
 - (j) the acquisition is required or is beneficial in regard to the standardization of goods or services for the Municipality; or
 - (k) an existing contract for a good or service has been terminated prematurely and there is an immediate need for the good or service while a new bid call is put out;
 - (l) with regards to technology goods or services, cannot be made for economic or technical reasons – such as requirements of interchangeability or interoperability with existing equipment, software, services, or installations procured under the initial procurement;
 - (m) Any and all other items not expressly listed here as prescribed under the exemptions of the *Canada Free Trade Agreement, 2017* as amended;
 - (n) where it is not practical or beneficial to the municipality to issue a bid

- (2) Notwithstanding subsection (1) of this section, the Procurement and Risk Management Coordinator shall submit any negotiated acquisition, with the exception of a negotiated acquisition to extend or renew an existing licence or maintenance agreement that is included within the program budget, to Council for approval if the value of the acquisition exceeds \$50,000.

Part VI - Emergencies

14. (1) The Director of Finance may acquire any goods or services that are required by the Municipality to respond to an emergency.
- (2) Where an emergency occurs after business hours when the Director of Finance is not available, any manager, or director, shall have the authority to acquire any goods or services that are required to respond to the emergency provided the manager or director, reports the acquisition to the Director of Finance on the next business day following the acquisition.
- (3) Any authority under this section shall include the authority to sign any contract or other document that may be required as part of the acquisition of the goods or services.

Part VII - Co-Operative Purchasing

15. The Director of Finance may enter into arrangements with any government body, ministry, agency, board, corporation or authority on a co-operative or joint basis for the acquisition of goods or services where there are economic advantages in so doing that are in the best interests of the Municipality and the method of acquisition to be used is a competitive method similar to those described in this By-law.

Part VIII – General

16. The Procurement and Risk Management Coordinator, wherever reasonably possible, shall seek to standardize the goods and services required by Departments so as to provide the most cost effective and efficient purchasing system.
17. The Procurement and Risk Management Coordinator, after consultation with the Department that requires the goods or services, shall ensure that all specifications and that all the terms and conditions of a bid call,
 - (1) are clear and concise;
 - (2) indicate the minimum acceptable levels of quality;
 - (3) are commercially practical;
 - (4) encourage competitive bidding; and
 - (5) follow all legislation, and trade agreements applicable to the procurement of goods and services under this by-law.
18. The Procurement and Risk Management Coordinator may conduct a process to pre-qualify persons or obtain desired information for any bid call where the Procurement and Risk Management Coordinator believes it to be in the best interests of the Municipality.
19. No requirement for goods or services shall be divided to avoid the requirements of this By-law and the total project or annual requirement shall be considered.

20. Except as otherwise stated, dollar amounts shown in this By-law that set out the parameters for acquiring goods or services or disposing of goods shall be the total cost excluding taxes and freight.
21. (1) Except where Part VI of this By-law applies, the Procurement and Risk Management Coordinator shall ensure that the cost of any good or service acquired under this By-law has been authorized by Council through,
- (a) a by-law or resolution; or
- (b) a Department's budget.
- (2) Authorization of a capital work by Council shall constitute authorization for any acquisition of goods or services necessary to carry out the work.
22. The Procurement and Risk Management Coordinator shall require that all bids involving the construction or repair of any works for the Municipality with a value estimated to exceed \$100,000 have security for the bid and for the performance of the contracted work in a form and an amount that best meets the interests of the Municipality.
23. (1) Where a bid call is solicited for physical submissions, all sealed bids shall be opened in the presence of the Procurement and Risk Management Coordinator and at least two (2) employees.
- (2) Where a bid call is solicited for electronic submissions, every sealed bid received within the time specified in a bid call shall be unsealed and extracted utilizing an electronic bidding system. Each submission and its price will be posted within 24 hours to the electronic bidding system and notification will be sent to those who submitted.
- (3) In the case where only one (1) bid is received pursuant to subsection (2) of this section, only the bidder's name shall be posted.
- (4) Where a request for proposals has been utilized, only the name of the bidder shall be posted.
24. (1) The Procurement and Risk Management Coordinator, after consultation with the Department that requires the goods or services, shall present a report to Council that sets out the Procurement and Risk Management Coordinator's recommendation and justification for any bid that is to be accepted by Council pursuant to this By-law.
- (2) In any report under subsection (1) of this section, the Procurement and Risk Management Coordinator shall disclose if any bid was found to be non-compliant.
25. (1) The Procurement and Risk Management Coordinator shall ensure that all acquisitions of goods through a lease or financing arrangement are in compliance with the Municipality's policy on leases as established by Council from time to time.
- (2) The Procurement and Risk Management Coordinator shall ensure that all purchasing orders and contracts have clear payment terms that have been reviewed, as necessary, by the Director of Finance and Chief Administrative Officer.

- (3) The Procurement and Risk Management Coordinator shall ensure that the quality of all goods and services acquired by him or her is monitored and deemed acceptable.
- 26. Prior to Council approval of the current budget, a Department may incur expenditures up to 40% of the previous years Budget. Directors will have the authority to instruct the solicitation of bids prior to Council approval of the current budget.
- 27. (1) Where any purchase of goods or services has been authorized under this By-law, the Chief Administrative Officer may authorize disbursement of additional funds provided that the additional funds:
 - (a) shall not exceed the greater of \$50,000 or ten percent (10%) of the original contract price;
 - (b) are available within the program budget; and
 - (c) are required to complete works that are necessary as part of the original contract.
- (2) The conditions under subsections (1), (a), (b) and (c) of this section do not apply where the additional funds are provided to the Municipality by a developer, land owner or other government body.
- 28. The Director of Finance and Chief Administrative Officer, shall have the authority to terminate a contract for the acquisition of a good or service if the grounds for termination in the contract have been satisfied.
- 29. No local preference will be given to any bidder in the acquisition of goods or services.
- 30. Unsolicited bids will not be accepted by the Municipality unless it provides a significant benefit to the Municipality.
 - (1) Where an unsolicited bid has been accepted by the Municipality, a report to Council will be required according to Appendix A.
- 31. No person submitting an unsolicited bid will be precluded from participating in future bid calls which resemble the unsolicited bid.

Part IX – Dispute Resolution and Debriefing

- 32. Any bidder involved in a bid call, may present the Municipality with a dispute claim regarding that process. The process for dispute resolution will be as follows:
 - (1) the bidder identifying the dispute will provide in writing to the Procurement and Risk Management Coordinator full details including times, dates and historical information specific to the nature of the dispute claim.
 - (2) the Procurement and Risk Management Coordinator, in association with the Director of Finance will investigate the claim and report back to the bidder where reasonably possible in no more than ten (10) business days. This may include a meeting with the vendor to assist with understanding of the procurement process and to assist with improving future bids to the Municipality.
 - (3) the bidder may further appeal the dispute to the Chief Administrative Officer in writing within no more than five (5) business days from receipt of the findings of the investigation noted in subsection (2). The Chief Administrative Officer will review the original dispute and the investigation and provide a response back to the bidder within 15 business days of receipt of the appeal.
- 33. notwithstanding subsections (1) through (4) shall not prohibit, rescind or delay the award

of any contract unless recommended by the Chief Administrative Officer, Director of Finance and Procurement and Risk Management Coordinator.

34. Any bidder participating in a bid call may at the conclusion of the bid call request a debrief regarding their submission. Debrief requests must be received within 60 calendar days of the award notification.
- (1) where a debrief has been requested, only information material to the bidders submission will be discussed. This does not include ranking of the submission or financials in relation to other submissions. Only general information regarding the quality of the submission will be discussed but no detailed numbers will be provided.

Part X – Access to Information and Records Retention

35. Personal Information as defined in the *Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)* may be collected and used pursuant to sections 2, 4, 8,9,10 and 270 of the *Municipal Act, 2001* as amended.
36. All procurement records will be kept in retention for seven (7) years pursuant to the *Freedom of Information and Protection of Privacy Act (FIPPA)* and the *Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)*
37. Access to information requests shall be addressed to the Procurement and Risk Management Coordinator in writing using an *Access or Correction Request Form* or a letter which sufficiently identifies the information being requested.
- (1) requests will be processed within 30 calendar days unless otherwise notified.
- (2) only information or records considered accessible and or/available as defined by the *Freedom of Information and Protection of Privacy Act (FIPPA)* and the *Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)* will be provided.

Part XI - Advertising

38. When any bid call under this By-law is required to be advertised, the Procurement and Risk Management Coordinator shall, as a minimum, advertise the bid call,
- (1) on the website for the Municipality from the date that the bid is called to and including the date on which the bid call closes;
- (2) on other procurement websites, marketplaces typically used by other procuring agencies, trade publications, industry specific job sites, or any other venue considered to best expose the bid call to the greatest number of potential bidders.

Part XII – Litigation Policy

39. The Procurement and Risk Management Coordinator shall not open and consider any sealed bid or otherwise acquire any goods or services from a person with whom the Municipality is in litigation or pending litigation unless approval allowing such is obtained by the person from Council prior to the close of the bid call or the acquisition of the goods or services.

Part XIII – Environmentally Sound Acquisitions

40. The Procurement and Risk Management Coordinator shall use reasonable efforts to include for expanded use of goods and services containing the maximum level of post-consumer recyclable waste or recyclable content, without significantly affecting the intended use of the good or service.

Part XIV – Persons with Disabilities (AODA)

41. When acquiring goods or services for the Municipality, the Procurement and Risk Management Coordinator shall have regard to accessibility for persons with disabilities to the goods or services and will comply with all requirements under the *Accessibility for Ontarians with Disabilities Act, 2005* as amended, standards for Customer Service (O. Reg. 429/07) and the Integrated Accessibility Standards (O. Reg. 191/11) and their relation to the *Human Rights Code of Ontario, 1962*, as amended.

Part XV – Performance Evaluation

42. (1) An employee who administers a contract that was entered into pursuant to this By-law may conduct a performance evaluation in relation to the contractor at any time during or after the completion of the contract.
- (2) If a contractor obtains a score of less than 75% on a performance evaluation then the Procurement and Risk Management Coordinator shall place the contractor on probation for a period of two years from the date that the Procurement and Risk Management Coordinator gives the contractor notice of the probation.
- (3) While on probation pursuant to subsection (2) of this section, each employee who administers a contract that was entered into pursuant to this By-law shall carry out a performance evaluation both during and after the completion of the contract.
- (4) If a contractor receives a score of less than 75% on a final performance evaluation for a contract during a probation period then the Procurement and Risk Management Coordinator shall suspend the contractor for a period of two years from the date that the Procurement and Risk Management Coordinator gives the contractor notice of the suspension and the Procurement and Risk Management Coordinator shall not open and consider any bids or otherwise acquire any goods or services from the contractor.
- (5) At the conclusion of the suspension period, the Procurement and Risk Management Coordinator may open and consider bids from the contractor, and otherwise acquire any goods or services from the contractor, but the contractor will be on probation for a one year period commencing on the date that the suspension concludes and subsections (3) and (4) of this section shall apply accordingly.
- (6) Subject to subsections (7) and (8) of this section, the Procurement and Risk Management Coordinator shall have all necessary authority to implement and oversee the performance evaluation process and, without limiting the foregoing, the Procurement and Risk Management Coordinator shall have the authority to prescribe the performance evaluation forms and scoring, as needed.
- (7) The Procurement and Risk Management Coordinator shall ensure that every call for bids includes a term requiring the successful bidder and contractor to agree to and partake in the performance evaluation process as required.
- (8) Every performance evaluation shall be approved in writing by the Procurement and Risk Management Coordinator, Director of Finance, Chief Administrative

Officer and a supervisor for the employee who administers the contract and a copy of the performance evaluation shall be provided to the contractor.

- (9) Every contractor may, within 15 days of receipt of a performance evaluation, write to and request that the Director of Finance and Chief Administrative Officer review the performance evaluation in relation to the grounds as set out in the contractor's written request.
- (10) Upon receipt of a written request pursuant to subsection (9) of this section, the Director of Finance and Chief Administrative Officer shall review the performance evaluation based on the grounds set out in the request and Director of Finance and Chief Administrative Officer shall have all the authority to either revise or confirm the performance evaluation.
- (11) At the conclusion of the review pursuant to subsection (10) of this section, the Director of Finance and Chief Administrative Officer shall advise the contractor in writing of his or her decision shall be final.
- (12) This section shall not limit the ability of the Procurement and Risk Management Coordinator in any way to utilize third party references, internal references, performance evaluations or other information when considering a bid pursuant to this By-law.

Part XVI- Disposal of Surplus Goods

- 43. (1) Procurement and Risk Management Coordinator shall declare any goods that are owned by the Municipality to be surplus when the goods are,
 - (a) no longer required by the Municipality;
 - (b) obsolete; or
 - (c) in a state beyond repair having regard to their relative value.
- (2) When goods are declared to be surplus in accordance with subsection (1) of this section, the Procurement and Risk Management Coordinator may dispose of the goods by public or online auction, tender, quotation or negotiation based on terms and conditions that are in the best interests of the Municipality.
- (3) Where the Procurement and Risk Management Coordinator determines that surplus goods cannot be sold in accordance with subsection (2) of this section, the Procurement and Risk Management Coordinator may dispose of the goods in such manner as he or she deems appropriate.
- (4) The Procurement and Risk Management Coordinator shall not sell surplus goods under this section directly or through a bid call to any elected official, officer or employee of the Municipality unless the Procurement and Risk Management Coordinator has the prior approval of Council.
- (5) Nothing in this section shall prohibit or otherwise restrict the ability of the municipality to donate or otherwise dispose of surplus goods at below fair market value when the disposal is for the benefit of the community or for humanitarian purposes.

- (6) Nothing in this section shall prohibit or otherwise restrict the municipality from trading or selling the surplus goods to other government agencies

Part XVII– Signing Authority

44. Provided the terms of this By-law have been satisfied,
 - (1) the Mayor and Clerk/Chief Administrative Officer may sign any contract or other document required for the acquisition of goods or services or for the disposal of goods regardless of their value.

Part XVIII – Conflict Of Interest

45.
 - (1) The Procurement and Risk Management Coordinator shall abide by all Municipal policies concerning a conflict of interest when carrying out any duties or functions under this By-law.
 - (2) Without limiting subsection (1) of this section, no elected official, officer or employee of the Municipality shall allow contact with a person, or any officer, employee or agent of a person, who has submitted a bid to the Municipality unless the bid call has been awarded or the contact is for the purpose of receiving a complaint.
46.
 - (1) The Procurement and Risk Management Coordinator shall not open and consider any bid, or otherwise acquire any goods or services from an elected official, officer or employee of the Municipality unless the elected official, officer or employee obtains approval from Council prior to the close of the bid call or the acquisition of the goods or services, subject to the requirements of section 54.

Part XIX - Prohibited Vendors

47. The Municipality shall not acquire goods or services from any of the following:
 - (1) Municipal Councillors or Municipal Staff
 - (2) any person noted in subsection (1) who maintains a controlling interest in a business involved in a bid call.
48. Notwithstanding subsections (1) and (2) the Municipality may, at its request, seek a conflict of interest affidavit from any bidder pursuant to this by-law.

Part XX – Administration




49. This By-law may be cited as the “Procurement By-law”.
50.
 - (1) Any complaint that the Municipality failed to abide by the provisions of this By-law that is significant in nature shall be reported to the Director of Finance and the Director of Finance shall investigate the complaint and report to Council as necessary.
 - (2) A failure to adhere to the provisions of this By-law shall not render any acquisition, contract or other document to be void or voidable.
 - (3) Council may waive any provisions or requirements of this By-law.
51. The Procurement and Risk Management Coordinator, in the administration of this By-

law, shall abide by all of the laws of Canada, the Province of Ontario and such other bodies having lawful jurisdiction, including any and all applicable trade agreements.

52. If any section or sections of this By-law or parts thereof are found by any Court to be invalid or beyond the power of Council to enact, such section or sections or parts thereof shall be deemed to be severable and all other sections or parts of this By-law shall be deemed to be separate and independent therefrom and shall continue in full force and effect unless and until similarly found invalid or beyond the power of Council to enact.
53. The Director of Finance and the Procurement and Risk Management Coordinator shall review the effectiveness of this By-law at a minimum of every five (5) years and report to Council as necessary.

APPENDIX “1”
LEVELS OF CONTRACT APPROVAL AUTHORITY

In the case of multi-year supply and/or service contracts, the pre-authorized expenditure limit shall refer to the estimated total expenditure under the contract.

Dollar Value (excluding taxes, duty or shipping)	Approved Authority	Procurement Process	Source of Bid	Report to Council Required
\$15,000 or less	Director	Purchase Order/Charge to the Municipality	Purchases made from the competitive market place	No
Greater than \$15,000 but less than \$50,000	Director and Director of Financial Services/  CAO	Informal or Formal Quotations, Request for Proposal	Minimum of three (3) quotes where reasonably possible by invitation or open competition	No if within Section 27, unless the procurement is from an unsolicited bid
\$50,000 or less	Director	Consulting Services	Purchases made from the competitive market place	No
Greater than \$50,000 but less than \$100,000	Director and Director of Financial Services/  CAO	Quotation, Proposal or Tender	Open competition	No if within Section 27 or within approved budget
	Director and Director of Financial Services/  CAO	Consulting Services	Informal or Formal Requests	No
	Municipal Council	Non-Competitive Procurement or procurements that do not receive a minimum of three (3) compliant bids		Yes
Greater than \$100,000	Municipal Council	Proposal, Tender or Request for Consulting Services	Open competition	Yes
		Non-Competitive Procurement		

APPENDIX “2”

GOODS AND SERVICES NOT SUBJECT TO THIS POLICY

Exclusions

Competitive Bids shall not be required for the following Goods and Services;

- a) Petty Cash Items
- b) Advertising services and Public Notices
- c) Public auctions or purchases from other Government Agencies
- d) Conferences, Conventions, workshops, or seminars and their associated costs
- e) Meals, travel and accommodation
- f) Outside legal counsel or other legal services
- g) Memberships in associations
- h) Magazines, Books, Periodicals
- i) Real estate and Insurance services
- j) Ongoing maintenance and support for existing computer hardware and software
- k) Fiscal Services and Investments
- l) Permits, certificates, licenses and other approvals acquired through a government or regulatory body
- m) Postage & Utilities
- n) Non-legally binding contracts
- o) Health or social services including laboratory services
- p) Goods or Services with artistic, cultural or historic significance
- q) Leasing, sale or acquisition of real property
- r) Any and all other items not expressly listed here, but documented within the Canada Free Trade Agreement