

THE CORPORATION OF THE MUNICIPALITY

BY-LAW NUMBER 2022-23

Being a By-Law Governing Procurement Policies and Procedures for
The Municipality and to Repeal By-Law 08-2014 as Amended

Recitals

1. Section 270(1) of the *Municipal Act, 2001* imposes upon municipalities the obligation to adopt policies with respect to the procurement of Goods, Services, and Construction;
2. The Municipality has hereby undertaken a comprehensive review of its purchasing processes to identify accountability, transparency, and efficiency improvements;
3. Council deems it desirable to repeal, in its entirety, By-Law 008-2014, as amended, and pass a new by-law with respect to the acquisition of goods and services;

**ACCORDINGLY, THE COUNCIL OF THE CORPORATION OF THE MUNICIPALITY
ENACTS AS FOLLOWS:**

ARTICLE 1.00 SHORT TITLE

- 1.01 **Short-Title:** This By-Law may be cited as the "Purchasing By-Law".

ARTICLE 2.00 DEFINITIONS AND INTERPRETATION

2.01 **Schedules:**

- a) Schedules "A" and "B" and "C" attached form part of this By-law.
- b) References in this By-law to position titles shall be understood to refer to those individuals employed in such positions by the Municipality.
- c) All references to amounts in this By-law and in any Bid Solicitation shall be in Canadian dollars unless expressly stated otherwise.
- d) References in this By-law to the singular shall include the plural and references to the plural shall include the singular, as the context requires.
- e) References in this By-law to amounts shall be references to the Total Acquisition Cost unless otherwise stated.

2.02 **Definitions:** Wherever a term set out below appears in the text of this By-law with its initial letter capitalized, the term is intended to have the meaning set out in this Section below:

- a) "Agent" means a person authorized by either the Clerk or Council or, an authorized Municipal employee initiating the procurement on behalf of the

Municipality and references in this By-law include their authorized designates.

- b) "Annual Acquisition Cost" means that portion of the Total Acquisition Cost that relates to the current year.
- c) "Approved Invoice" means a Supplier's original invoice issued at the time of purchase of Goods or Services and which bears both the signature of an Authorized Person and appropriate account number(s).
- d) "Authorized Person" means an Employee of the Municipality to whom purchasing authority up to a certain dollar amount has been delegated by the Clerk.
- e) "Award", "Awarded" and, "Awarding" means approved by Council and direction to an Authorized Person, or an Agent on direction of an Authorized Person, to proceed with the purchase of Goods, Services or Construction from a Supplier.
- f) "Best Value" means the optimal balance of performance and cost determined in accordance with a pre-defined evaluation plan.
- g) "Bid" means an offer or Proposal from a Supplier in response to a Bid Solicitation.
- h) "Bid Document" means a document in the form of a Bid Solicitation issued by the Municipality to solicit bids from potential suppliers.
- i) "Bidder" means a person that submits a Bid in response to a Bid Solicitation or a Request for Pre-Qualification.
- j) "Bid Deposit" means the form of security required by the terms and conditions of procurement to guarantee that the Bidder enters into a Contract with the Municipality.
- k) "Bid Solicitation" means formal request for competitive Bids that may be in the form of a Request for Tender or Request for Proposal or other procurement method.
- l) "By-law" unless preceded by a name or followed by a particular number, means this By-law, including its recitals and schedules, which are considered operative parts of it, as amended from time to time. When preceded by a name or followed by another number, the term refers to the Municipality's by-law bearing that name or number.
- m) "Clerk" means the person within the Municipality's administrative hierarchy who undertakes the role of head of administration, regardless of that person's

job title. The term includes any person in a "deputy" or "acting" function for the role of Clerk.

- n) "Construction" means the construction, reconstruction, demolition, repair or renovation of a building, structure or other civil engineering or architectural work and includes site preparation, excavation, drilling, seismic investigation, soil investigation, the supply of products and materials and the supply of equipment and machinery if they are included in and incidental to the construction, and the installation and repair of fixtures of a building, structure or other civil engineering design or architectural work, but does not include professional services related to the construction contract unless they are included in the specifications for the procurement.
- o) "Contract" means an agreement, including a Purchase Order; regardless of form or title, for the lease, purchase or disposal of Goods, Services or Construction authorized in accordance with this By-law. The term does not include verbal agreements.
- p) "Contract Amendment" means any change made to an existing Contract and without limiting the generality of the foregoing includes a change order.
- q) "Council" means the municipal Council of the Municipality.
- r) "Council Approved Budgets" means Council approved department budgets including authorized revisions pursuant to existing policies respecting operating and capital budgets as amended or replaced from time to time.
- s) "Department" means an organizational unit of the Municipality.
- t) "Electronic Advertising" means the use of a computer-based system accessible by Suppliers irrespective of their location that provides information related to Bid Solicitations.
- u) "Electronic Bidding" means the online system by which the Municipality issues Bid Solicitations and receives Bids.
- v) "Emergency" means a situation, or the threat of an impending situation, that may affect the environment, life, safety, health and / or welfare of the general public, may affect the property of the residents of the Municipality, may result in serious damage or disruption of work or requires restoration or maintenance of essential service to a minimum level.
- w) "Employee" means a person employed by the Municipality.
- x) "Goods" means moveable property including:
 - (i) The cost of installing, operating, maintaining or manufacturing such moveable property; and

- (ii) Raw materials, products, equipment and other physical objects of every kind and description.
- y) "Litigation" means any dispute between the Municipality and any other party or related party with an adverse interest before any Court, administrative tribunal, arbitrator or adjudicator and includes a threat of litigation made in writing.
- z) "Lowest Compliant Bid" means the Bid received on a Request for Tender that would provide the Municipality with the desired Goods, Services or Construction at the lowest Total Acquisition Cost, meets all the specifications and contains no irregularities requiring automatic rejection.
- aa) "Multi-Use List" means a list of pre-qualified Suppliers maintained by the Municipality who satisfy the conditions for participation on the list, and that the Municipality intends to use more than once.
- bb) "Multi-Year Contract" means a Contract for Goods, Services or Construction which has a duration longer than one year.
- cc) "Municipality" means The Corporation of the Municipality of Neebing.
- dd) "Non-Competitive Purchase" means a purchase that is not competitively procured but shall not include purchases made on Standing Offers.
- ee) "Person" includes any individual, firm, partnership, association, corporation, company or other organization with the legal ability to enter into contractual relations;
- ff) "Petty Cash" means monetary amounts provided to Departments to be used for Purchases generally not to exceed an amount of \$100.00.
- gg) "Professional Service" means persons having a specialized knowledge or skill for a defined Service requirement including,
 - (i) Architects, surveyors, appraisers, accountants, engineers, designers, management and financial consultants; and
 - (ii) Firms or individuals having specialized competence in environmental, planning or other disciplines.
- hh) "Proponent" means a person that submits a Proposal in response to a Request for Proposal.
- ii) "Proposal" means a submission in response to a Request for Proposal.
- jj) "Purchase Order" means a contract between the Municipality and a Supplier to supply specific Goods, Services or Construction defined by such things as quantity, time period, location(s) and price, made on the Municipality's form bearing that title.

- kk) "Procurement Card" means a credit card issued to purchase Goods and Services.
- ll) "Quotation Procedure" means an informal procurement method that involves the solicitation of written quotes from Suppliers without formal advertising or receipt of sealed or electronic Bids.
- mm) "Request for Pre-qualification" means a process where information is requested from Suppliers to determine whether the Supplier has the capability in all respects to perform the Contract requirements. The Request for Pre-qualification process is initiated before a Request for Tender or Request for Proposal is issued and only prequalified Suppliers are eligible to submit a Bid on such Bid Solicitations.
- nn) "Request for Proposal" means a Bid Solicitation that is used to acquire Goods, Services or Construction on variable terms, the suitability of which is determined upon multiple factors.
- oo) "Request for Tender" or "Tender" means a Bid Solicitation used to acquire known Goods, Services or Construction in accordance with specified terms and which is normally awarded to the Lowest Compliant Bid.
- pp) "Services" includes Professional Services, all Services in relation to real property or personal property including, without limiting the foregoing, the delivery, installation, construction, maintenance, repair, restoration, demolition or removal of personal property and real property and all other Services of any nature and kind save and except only Services to be delivered by an officer or employee of the Municipality in accordance with terms of employment.
- qq) "Single Source" means a Non-Competitive Purchase to acquire Goods, Services or Construction from a specific Supplier even though there may be more than one Supplier capable of delivery of the same Goods Services and/or Construction.
- rr) "Sole Source" means a Non-Competitive Purchase of Goods, Services or Construction where there is only one source that meets the requirements of the Municipality.
- ss) "Standing Offer" means an arrangement that allows the Municipality to purchase repetitively ordered Goods, Services or Construction from Suppliers at prearranged prices, under set terms and conditions, when and if these are requested.
- tt) "Supplier" or "Vendor" means a Person offering, providing or contractually required to provide Goods, Services and/or Construction to the Municipality, as the case may be.

- uu) "Sweatshop" means a facility where individuals manufacture, assemble or produce consumer goods in working conditions that constitute Sweatshop Conditions;
- vv) "Tender Review Committee" a formal committee appointed by resolution or by-law for the purpose of reviewing bid documents, and evaluating and making recommendations with respect to bid submissions.
- ww) "Term" means the duration of a Contract with a Supplier excluding any optional extension terms;
- xx) "Total Acquisition Cost" means an evaluation of the sum of all costs for the Term of the Contract including purchase price, warranties, service costs, life cycle costs, time of completion or delivery, inventory carrying costs, operating and disposal costs, any optional extension terms, but excluding applicable Harmonized Sales Tax;

2.03 Titles

- .01 The captions, articles and section names and numbers appearing in this By-Law are for convenience of reference only and have no effect on its interpretation.

2.04 Plurals

- .01 In this By-law, a word interpreted in the singular number has a corresponding meaning when used in the plural.

2.05 Gender

- .01 This By-law is to be read as gender neutral.

2.06 "Includes"

- .01 The words "**include**", "**includes**", "**Including**" and "**included**" are not to be interpreted as restricting or modifying the words or phrases which precede or follow them.

2.07 Employee Titles

- .01 References to persons employed by, or contracted by the Municipality, by virtue of their employment title refers to those titles as at the date of enactment of this By-law. Where there has been a Municipal re-organization that resulted in titles changing, the reference to the person in the Municipality's hierarchy that has substantively the same duties as the person who held the title used in this By-law on the date this By-law was passed. Where there is any doubt as to the appropriate reference, the Municipal Clerk shall make the determination, and their decision is final.

2.08 Delegation of Authority

- .01 Any reference to a person employed by, or contracted by the Municipality is considered to include their delegates, provided the delegation is in writing.
- .02 Purchasing and Contract Execution Authorities for municipal employees are set out in Schedule "C".

2.09 Legislation

- .01 Each reference to Provincial legislation in this By-Law is printed in italic font. Where the title of legislation includes a year, the reference is to the Statutes of Ontario for that year. Where the title of the legislation does not include a year, the reference is to be the Revised Statutes of Ontario, 1990 edition. In every case, the reference includes all applicable amendments to the legislation, including successor legislation. Each reference to another by-law in this By-law, unless otherwise specified, is a reference to a by-law of the Municipality, and, in every case, includes all applicable amendments to the by-law, including successor by-laws.

2.10 Severability

- .01 If a court or tribunal of competent jurisdiction declares any portion of this By-law to be illegal or unenforceable, that portion of this By-law will be considered to be severed from the balance of the By-law, which will continue to operate in full force.

2.11 Contract Interpretation

- .01 Purchase Orders contain general terms and conditions. These terms and conditions apply to the Contract that they are connected with, unless the Contract's terms and conditions contradict them. In that case, the terms and conditions in the Contract supersede those in the Purchase Order.

ARTICLE 3.00: Purchasing Policies

- .01 All procurement policies made by the Municipality shall be made in accordance with this By-law and are enforceable through this By-law. Related procurement policies may be cited as the Municipality's "Purchasing Policy" with identifying subject or number, as applicable.

ARTICLE 4.00: OBSERVANCES

4.01 Compliance

- .01 Council, the general public, and business community must have confidence in the integrity of the Municipality's procurement practices.
- .02 All employees of the Municipality involved in the purchase of Goods and Services must be completely responsible for their actions. All municipal departments, employees, and members of Council are responsible for adhering to the provisions of

this By-law. Failure to adhere to the requirements outlined in this By-law may lead to disciplinary action, up to and including termination of employment.

.03 No purchase of Goods and/or Services and/or Construction shall be authorized unless, it is in compliance with this By-law. Goods and/or Services obtained without following the provisions of this By-law will not be accepted, and any invoices received may not be processed for payment.

.04 No provision of this By-law precludes an Authorized Person, with the concurrence of the Clerk, from recommending an award to Council where in the opinion of the Authorized Person, it is in the best interest of the Municipality to do so.

4.02 Waive By-law Provision

.01 Non-compliance to the Purchasing By-law will require Council's approval if over Fifty Thousand (\$50,000) dollars, and the Clerk's approval for less than Fifty Thousand (\$50,000) dollars before payment is processed to suppliers. Council approval for less than Fifty Thousand (\$50,000) dollars may be sought at the discretion of the Clerk.

4.03 Approved Budgets

.01 All acquisitions shall be in accordance with approved budgets and estimates except where Council by by-law or resolution otherwise determines.

4.04 Municipal Obligations

.01 The purpose of this By-law is the efficient and effective acquisition of Goods and Services and Construction. In that regard, the Municipality is under no obligation to accept the lowest Bid or any Bid received in response to a verbal or written request. There may be considerations beyond the price that govern the Municipality's choices in any given circumstance.

4.05 Personal Purchases

.01 Purchase by the Municipality of any Goods and Services for personal use by or on behalf of any Municipal employee or member of Council for purposes other than the legitimate requirements of this Municipality is prohibited.

4.06 Disqualified Bidders List

.01 The Municipality will maintain a list of persons from whom no Bids will be accepted. This list will include the names of persons:

- a) who have performed poorly (or not at all) in past Contracts;
- b) who are involved in litigation with the Municipality relating to past Contracts;
- c) who are involved in a legal proceeding with an interest or position in this By-law that is averse to that of the Municipality;

- d) who are in default of property taxes for an amount in excess of one year's total taxes and/or in default for a period in excess of one year;
- e) who as determined by the Municipality are to be in a position of actual or perceived conflict of interest.

.02 Persons whose names are on the list will not be permitted to submit Bids. In addition, the Municipality may refuse to accept Bids from persons who are affiliated with a person on this list through direct involvement or effective control by one or more of the directing minds of the other person(s) on the list.

.03 The disqualified Bidders list maintained under this Section applies to allow the disqualification of a Bid regardless of whether or not any particular acquisition process has involved a pre-qualification process. The Authorized Person shall monitor the performance of Contractors, including documenting evidence of their performance. The Authorized Person will inform the Clerk, where the performance of a Contractor has failed to comply with a Contract or other Municipal requirements. The Clerk will consider this information when determining whether or not a person's name is added to the disqualified Bidders list.

4.07 Litigants

.01 Unless otherwise permitted in this section, no Bid shall be accepted from, nor shall any Contract be awarded or extended to any Contractor, its principals, directors or any officer of that firm, or another related person (as determined by the Clerk, in their sole and unreviewable discretion), with whom the Municipality is engaged in unresolved litigation.

.02 A Bid may be accepted and a Contract awarded to a Contractor or other related party whom the Municipality is engaged in unresolved litigation in the following circumstances:

- a) where there is only one qualified supplier of Goods and Services;
- b) in the case of an Emergency;
- c) where there is a legal obligation on the part of the Municipality to enter into the Contract; or
- d) where the proposed Contract is pursuant to the co-operative purchasing provisions of this By-law and where another public agency will be party to the Contract and has approved the award; or
- e) where the Municipality is a plaintiff or defendant pursuant to a subrogated interest and where, in the discretion of the Municipality, an appropriate arrangement has been made to indemnify the Municipality.

4.08 Interference in the Procurement Process

- .01 Members of Council, employees or members of Committees of Council, Agents, and groups, shall not knowingly cause or permit anything to be done or communicated to anyone in a manner which is likely to cause any potential supplier to have an unfair advantage or disadvantage in obtaining a contract for the supply of goods and/or services to the Municipality.
- .02 Members of Council, employees or members of Committees of Council and groups, who receive inquiries from suppliers related to any specific procurement shall immediately direct those persons making inquiries to the Agent.
- .03 If a member of Council, employee or member of Committees of Council and groups, fail to comply with this provision, they must be removed from the awarding process, and the vendor in question will be disqualified.

4.09 Conflict of Interest

- .01 No member of Council, or employee of the Municipality shall have any pecuniary or controlling interest, either direct or indirect, in any competitive bid or contract for the supply of Goods or Services to the Municipality, unless such pecuniary interest is disclosed by the Proponent, bidder, or person submitting a bid, as the case may be, or unless such pecuniary interest would be exempt under the *Municipal Conflict of Interest Act*.
- .02 Formal competitive bid documents shall include a section that requires disclosure prior to submission of the bid. Should a conflict of interest arise after the award of a contract, the conflict shall immediately be disclosed to the Clerk. Further, all competitive bid documents and agreements shall provide that in the event that a contract is awarded to a person who has not, during the bidding or contract process, disclosed the pecuniary interest of a member of Council or employee of the Municipality in the contract, the contract may be cancelled at any time by the Municipality in its entire discretion.
- .03 The acceptance of gifts, benefits, money, discounts, favours or other assistance by any Municipal employee or member of Council, whether directly or indirectly, from potential suppliers and suppliers to the Municipality is prohibited.
 - a) For clarification, favours are considered to be bestowed "indirectly" to a Municipal employee or member of Council if it is bestowed upon a parent, spouse, sibling or child of that individual, or upon a company owned or controlled by that individual, or by a parent, spouse, sibling or child of that individual, in any case whether or not the benefit is ever transferred to the employee or member of Council. Accordingly, acceptance of gifts, benefits, money, discounts, favours or other assistance by those individuals and companies is also prohibited.

4.10 Accountability

- .01 Members of Council and employees shall disqualify themselves from the bid evaluation and procurement decision process if they have personal interest in a bid

competition. They shall also comply with the requirements of the *Municipal Conflict of Interest Act* and/or this By-law.

- .02 To avoid compromising a consultant's objectivity towards work performance and compliance with the requirements and specifications of the project, consultants shall not be allowed to participate in bid competitions where they were retained by the Municipality for the preparation of the bid document unless approved by the Clerk.

4.11 Accessibility

- .01 To ensure fair and open compliance to the Integrated Accessibility Standard Regulation under the *Accessibility for Ontarians with Disabilities Act*, accessibility criteria, where included in the procurement process, should be given appropriate consideration.

ARTICLE 5.00: GENERAL PROCUREMENT POLICY

5.01 Application

- .01 The procedures in this By-law shall be followed for the procurement of Goods, Services and Construction.
- .02 Subject to the requirements of Schedule "A" to this By-law, Authorized Persons may purchase the Goods and Services listed in Schedule "A" without following the procedures set out in this By-law.
- .03 The Agent may elect to use Electronic Bidding and the procurement process will be stated in the Bid Solicitation.
- .04 Bid Solicitations shall comply with all applicable law and trade agreements.

5.02 Restrictions

- .01 Any attempt to evade or circumvent the requirements of this By-law including, but not limited to, the division of purchases to avoid the requirements of this By-law and/or Purchasing Policy by any method, which includes purchases made using procurement cards.
- .02 Unless specifically approved by Council through by-law or resolution, no Contract for Services shall be entered into where the Services would result in the establishment of an employer/employee relationship.
- .03 No Employee shall purchase, on behalf of the Municipality, whether the Municipality receives funding in whole or in part from a third party or third parties, any Goods, Services or Construction, except in accordance with this By-law.
- .04 Purchase by the Municipality of any Goods and/or Services for personal use by or on behalf of any member of Council, employees and their immediate families.

.05 Employees shall not accept gifts, favours, hospitality or any benefits from a Bidder or Supplier except as may be permitted by the Municipality's policies in limited circumstances for promotional gifts or items of nominal value and at no more frequency than that at which the Municipality would normally reciprocate.

.06 All persons who, on behalf of the Municipality, provide or prepare contract specifications for Goods, Services or Construction and which Goods, Services or Construction are intended to be the subject matter of a Bid Solicitation, shall not be permitted to submit a Bid in response to the Bid Solicitation for the said Goods, Services or Construction.

5.03 Official Point of Contact

.01 The Agent shall indicate the official point of contact in all Bid Solicitations. Contact with anyone other than the official point of contact in relation to a Bid Solicitation may result in the disqualification of the Bidder.

.02 Bidders, their employees or anyone involved in preparing Bids shall not engage in any form of communication, discussion or lobbying of any form with members of Council, Authorized Persons, other municipal employees or consultants to influence the outcome of the procurement process or the Award.

5.04 Council Approval and Information Reports

.01 Despite any other provisions of this By-law, the following Contract Awards are subject to Council approval:

- a) Any Contract Award, excluding Multi-Year Contract Awards, where the Total Acquisition Cost is greater than the Council Approved Budget;
- b) Any Multi-Year Contract Award where the Annual Acquisition Cost exceeds the Council Approved Budget;
- c) Any Multi-Year Contract Award where the Term including any optional extension terms exceeds five years and the Annual Acquisition Cost is \$50,000 or more;
- d) Any Non-Competitive Purchase where the Total Acquisition Cost of such Goods, Services or Construction is \$50,000 or more;
- e) Any Contract Amendment that would cause a Contract to exceed Council Approved Budgets; and,

.02 In circumstances where Council has approved a Contract for the Non-Competitive Purchase of Goods, Services or Construction, the maximum term shall be five years unless Council approves otherwise by resolution.

ARTICLE 6.00: PROCUREMENT PROCEDURES

6.01 Responsibilities and Authorities

- .01** Authorized Persons and Agents shall proceed with procurement in accordance with this By-law.
- .02** Authorized Persons shall be responsible for and shall provide the Agent with proposed terms of reference, scope of work or specifications for Bid Solicitations. The Authorized Person in consultation with the Agent shall prepare where the Request for Proposal procurement method is being used evaluation criteria and terms of reference.

6.02 Notification of Procurement Opportunities

- .01** A form of Electronic Advertising may be used for Goods, Services or Construction purchases below \$100,000 and shall be used when purchasing Goods, Services or Construction with an estimated Total Acquisition Cost of \$100,000 or greater. This excludes purchases deemed to be an Emergency or approved to be Single Sourced or Sole Sourced or otherwise authorized by Council.
- .02** Notification of procurement opportunities for Goods, Services or Construction by Electronic Advertising maybe supplemented by other means of notification where appropriate.

6.03 Procedures

- .01** The Clerk shall be responsible for purchasing policies and procedures and, where necessary, shall, in consultation with Authorized Persons, establish written policies and procedures consistent with the Mission and Purpose set out in this By-law relating to:
 - a)** The form, content and use of documents, whether electronic or printed, including purchase requisitions, Purchase Orders, bonds, letters of credit and other forms of guarantee or surety, procurement documents and other Contract documents;
 - b)** The identification of those Goods, Services or Construction which, are more effectively acquired through cooperative purchasing, Standing Offer or Non-Competitive Purchase;
 - c)** The process to be followed in the issuing, receipt and evaluation of procurements in all thresholds, expressions of interest, requests for information or statements of interest including the option of submitting documentation, payment or signature by electronic means pursuant to the *Electronic Commerce Act*, S.O. 2000, c.17, as amended; and,
 - d)** Any other aspect of procurement process or procedure not specifically provided for in this By-law.

- .02 Where, in the opinion of the Agent, circumstances give rise to an issue of adherence or non-adherence to the requirements of this By-law, which cannot be resolved to the satisfaction of the Agent, the Agent, shall advise the Clerk who shall have the authority to determine the appropriate action.

ARTICLE 7.00: METHODS OF ACQUISITION

7.01 Pricing Limits

- .01 All applicable taxes, duties and shipping are excluded in determining the procurement limit of authorized delegates and the type of procurement process to be followed as set out in this Article 7.00.

7.02 Purchase Order Requirements

- .01 The acquisition of any Goods and Services may require a Purchase Order, with the exception of the Goods and Services listed in Schedule A which do not require a Purchase Order.

7.03 Procurement Methods

- .01 Purchases in all procurement thresholds shall only be made where such purchases are within Council Approved Budgets. The procurement method shall be selected based on the best available estimate of the Total Acquisition Cost at the time of procurement.
- .02 The Clerk shall have authority to establish Petty Cash funds for Departments as necessary to meet requirements for the acquisition of Goods and Services.
- .03 Table 1 below details the acceptable procurement methods and purchase processes for each individual procurement threshold for the procurement of Goods, Services and Construction. In appropriate circumstances, procurement methods described in the thresholds in this By-law may be utilized for purchases in lower dollar value thresholds.

Table 1.

Total Acquisition Cost Threshold	Acceptable Procurement Method	Forms of Commitment	Forms of Payment	Purchaser Details
Under \$1,000	Competitive market place where possible; Best meeting Municipality's needs.	Receipt, Approved Invoice or Purchase Order.	Petty Cash, Procurement Card within authorized limits, Municipal cheque, or electronic fund transfer.	Authorized Persons or Agent in accordance with Municipal policies and procedures.
\$1,000 to \$4,999	Competitive market place where possible; Best meeting Municipality's needs. One (1) verbal or written quote. <i>Or any method listed below.</i>	Approved Quote, Invoice, Purchase Order, or other form of Contract.	Procurement Card within authorized limits, Municipal cheque, or electronic fund transfer.	Authorized Persons in accordance with Municipal policies and procedures.
\$5,000 to \$19,999	Competitive market place with at least three (3) written quotes where possible; Minimum of one (1) written quote with valid explanation when not possible. <i>Or any method listed below.</i>			

Table 1. Continued

Total Acquisition Cost Threshold	Acceptable Procurement Method	Purchase Documentation	Forms of Payment	Purchase Details
\$20,000 to \$49,999	<p>Competitive market place with at least three (3) written quotes where possible; When is not possible, valid explanation required with two (2) or one (1) written quote.</p> <p>Exception: where RFP, RFT or where Bid Deposit or performance guarantee is required, in which case purchase shall be conducted by the Agent on behalf of Authorized Person.</p> <p><i>Any method listed below.</i></p>	<p>Approved Quote, Invoice, Purchase Order or other form of contract in form approved by Council.</p>	<p>Procurement Card within authorized limits, Municipal cheque, or electronic fund transfer.</p>	<p>Authorized Persons with approval of Clerk.</p>
\$50,000 or more	<p>Request for Tender or Request for Proposal.</p> <p>Where RFP, RFT or where Bid Deposit or performance guarantee is required, purchase shall be conducted by the Agent on behalf of Authorized Person.</p>	<p>Bid and contract in form approved by Council and executed by proper signing officers</p>	<p>Municipal cheque or electronic fund transfer.</p>	<p>Authorized Persons based on specifications, scope or terms of reference.</p>

7.04 Purchases of Fifty Thousand \$50,000 Dollars or More

A. Request For Tender

.01 A Request for Tender shall be used for purchases with a Total Acquisition Cost of \$50,000 or more where all of the following criteria apply:

- a) Two or more sources are considered capable of supplying the requirement;
- b) The requirement is adequately defined to permit the evaluation of tenders against clearly stated criteria; and
- c) It is intended that the Lowest Compliant Bid will be accepted.

B. Request For Proposal

.01 A Request for Proposal shall be used in circumstances where one or more of the criteria for issuing a Request for Tender cannot be met owing to the nature of the requirement, Suppliers are invited to propose a solution to a problem, requirement or objective and the selection of the Supplier is based on an evaluation against set criteria rather than on price alone.

.02 Requests for Proposals shall contain the criteria, which will be used to evaluate proposals.

7.05 Use of Negotiation for Goods and Services

.01 Despite any other provisions of this By-law, in circumstances set out in this Section, the Authorized Person or the Tender Review Committee may wish to negotiate with one or more potential suppliers for acquiring Goods and Services. An Authorized Person, or the Tender Committee as applicable, may enter into negotiations with one or more Vendors for the supply of Goods and Services when any of the following conditions exist:

- a) due to market conditions, Goods and Services are in short supply;
- b) it is a Sole Source circumstance (including circumstances where only one Bidder submitted an acceptable Bid);
- c) all acceptable Bids exceed the amount of budgeted Goods and Services and the lowest Bid is within twenty (20%) percent of budget;
- d) market research indicates that the extension or reinstatement of an existing Contract would be more cost-effective or beneficial to the Municipality;

- e) a Single Source is being recommended because it is more cost-effective or is otherwise more beneficial; and
- f) when authorized by the Clerk for purchases of less than Fifty Thousand (\$50,000); or
- g) when authorized by Council for purchases of Fifty Thousand (\$50,000) Dollars or more.

7.06 Reporting to Council Generally

.01 After a Bid Request, in addition to other reporting requirements set out in this By-law, a report must be submitted to Council prior to a Contract award.

7.07 Award of Contract

.01 Authorized Persons, or the Agent on behalf of such Authorized Persons, may communicate the Award of Contract emanating from a Request for Tender or a Request for Proposal provided that:

- a) The Award is made to a Proponent meeting all mandatory requirements;
- b) The Authorized Person, and Agent where applicable, is in receipt of the appropriate approvals; and
- c) The provisions of this By-law are complied with.

7.08 Standing Offers

.01 Standing Offers may be established in circumstances where:

- a) One or more departments repetitively order the same Goods or Services and the actual demand is not known in advance; or,
- b) A need is anticipated for a range of Goods, Services and Construction for a specific purpose, but the actual demand is not known at the outset, and delivery is to be made when a requirement arises.

.02 The Agent shall establish, maintain and renew Standing Offers that define source and price with one or more Suppliers for Goods, Services and Construction under set terms and conditions where no obligation to purchase any Goods, Services or Construction exists until the Municipality places an order. Prices and sources for Standing Offers shall be established competitively pursuant to the provisions of this Bylaw.

.03 In issuing a call for a Standing Offer, the Municipality shall indicate how subsequent purchases will be made from a Supplier under the Standing Offer.

- .04 A Purchase Order or Agreement confirming the terms of the Standing Offer shall be executed by the successful Supplier or Suppliers.
- 7.09 Information Gathering Methods
- 7.10 Request for Pre-Qualification
- .01 For any of the purchasing methods listed in this By-law, a Request for Pre-Qualification may be used where the Authorized Person, through the Agent, wishes to ensure that Suppliers have the necessary experience, qualifications, and resources to provide the Goods, Services or Construction anticipated to be procured. The selection of Bidders to proceed to a procurement method by way of a Request for Pre-Qualification shall not create any contractual obligation between the Municipality and a pre-qualified Supplier.
- 7.11 Non-Competitive Purchases
- .01 Non-Competitive Purchases may be considered where one or more of the following factors are present:
- .02 A Sole Source purchase is being recommended by the Authorized Person;
- .03 A Single Source Purchase is being recommended by the Authorized Person for one or more of the following reasons:
- a) The standardization or compatibility of a Purchase with existing equipment, product standards, facilities or service is a paramount consideration;
 - b) A Good is purchased for testing or trial use;
 - c) There is an absence, of competition for technical reasons and the Goods, Services; Construction Services can only be supplied by a particular Supplier;
 - d) The Municipality has a rental contract with a purchase option and such purchase option is beneficial to the Municipality;
 - e) No bids were received in response to a Bid Solicitation or Quotation request;
 - f) A business case can be made to establish that the purchase is in the best interests of the Municipality.
- .04 Any Non-Competitive Purchase with a Total Acquisition Cost between \$20,000 and \$49,999 must be approved by the Clerk prior to any Award by an Authorized Person.

.05 Award of Non-Competitive Purchases with a Total Acquisition Cost of \$50,000 or more shall require Council approval.

.06 Council may consider it necessary or expedient to Obtain Goods and Services through methods not in compliance with this By-law or not strictly in compliance with this By-law. A resolution setting out the reasons why the Purchasing By-law is being deviated from will form part of the minutes of any meeting where such a determination is made. Any decision by Council to Obtain Goods and Services outside of the processes in this By-law is final.

7.12 Cooperative Purchasing

.01 The Municipality may choose to participate in cooperative purchasing initiatives with other levels of government, other municipalities, and members of the broader public sector, government agencies or public authorities where, in their opinion, it is in the best interests of the Municipality to do so and where the purpose, goals and objectives of this By-law are substantially complied with.

7.13 Contract Without Budgetary Appropriation

.01 Where a requirement exists to initiate a purchase for which Goods, Services or Construction are required and funds are not contained within the Council Approved Budget to meet the proposed expenditure, Council approval must be obtained prior to commencement of the purchasing process, by submission of a report to Council.

7.14 Unsolicited Proposals

.01 No award of a Contract shall be made for an unsolicited proposal unless it is determined by an Authorized Person that there is a legitimate need for the Goods and/or Services offered by way of an unsolicited proposal, then the purchase shall be conducted in accordance with this By-law.

7.15 Emergency Purchases

.01 Where an Emergency exists requiring the immediate procurement of Goods, Services or Construction, an Authorized Person or the Agent on behalf of an Authorized Person may purchase the required Goods, Services or Construction by the most expedient, economical and practicable means, notwithstanding any other provision of this By-Law.

.02 The Clerk shall as soon after the purchase as reasonably possible, prepare a written report to Council to advise it of the circumstances of the Emergency Purchase if the Total Acquisition Cost is \$50,000 or more.

ARTICLE 8.00: SPECIFICATIONS

8.01 Responsibility for Preparation

- .01 The preparation of the specifications to be included in Bid Requests is the responsibility of the requisitioning Department.
- .02 The Clerk has the authority to review and recommend any improvements to the specifications. The requisitioning Department and the Clerk shall work cooperatively in the finalization of the specifications. The Clerk may reject any specification that is not consistent with this By-law.

8.02 Brand Avoidance

- .01 Specifications will not stipulate a specific product, particularly by brand name.

8.03 Exception to Section 9.02

- .01 A requisitioning department may specify a specific product, brand name or approved equal for essential functionality purposes (with consideration for operating, maintenance and standardization costs) to avoid unacceptable risk or for some other valid purpose. In such instances, the Authorized Person of the requisitioning department and the Clerk shall work together to manage the procurement to achieve a competitive situation whenever possible.

ARTICLE 9.00: BID AND CONTRACT ADMINISTRATION

9.01 Bid Deposits and Performance Guarantees

- .01 Security to guarantee execution and performance of Contracts shall be established in accordance with standard Municipal practices and aligned with all Provincial and Federal directives. Any exceptions shall be subject to consultation with the Clerk.

9.02 Cancellation of Bid Solicitation

- .01 The Authorized Person, or Agent on behalf of the Authorized Person, shall have the right to cancel any Bid Solicitation or procurement process at any time prior to execution of contractual documents.

9.03 Negotiations and Identical Bids

- .01 Where Bids received in response to a Bid Solicitation exceed the Council Approved Budget, the Agent and the Authorized Person may negotiate with the Lowest Compliant Bidder or the Proponent providing the Best Value, as the case may be, where the Agent and the Authorized Person agree that the

changes required to achieve an acceptable Bid are of a minor nature and will not change the general nature of the requirement described in the Bid Solicitation. Nothing in this By-law shall require the Agent and the Authorized Person to conduct negotiations on any Bid Solicitation and any negotiations may be discontinued at any time at the sole discretion of the Agent and the Authorized Person.

- .02 The method of negotiation shall include standard negotiating procedures that employ ethical public procurement practices in consultation with the Agent.
 - .03 If the Lowest Compliant Bids from two or more Bidders are identical in Total Acquisition Cost or unit price, the Tender Review Committee may direct the Authorized Person and/or Agent to enter into negotiations with the Bidders who have submitted the identical prices in an attempt to obtain a lesser price and shall maintain a record in respect of such negotiations.
 - .04 Members of Council and committees of Council, employees, Authorized Persons, and the Agent shall not reveal information pertaining to the negotiations or the manner in which the final price was determined to any of the Bidders concerned. The Agent shall include as part of the record, a report concerning the results of such negotiations.
 - .05 When negotiations are not successful in breaking the identical bids, then factors to be considered in breaking the tie include:
 - a) Prompt payment discount;
 - b) When delivery or completion date are important factors, preference to the Bidder offering the best delivery or completion date;
 - c) Preference to a Bidder in a position to provide better after sales services;
 - d) Preference to a Bidder with an overall satisfactory performance record over a Bidder known to have an unsatisfactory performance record;
 - .06 When the considerations above do not break the tie, the successful Bidder shall be determined by coin toss. The coin toss shall be performed in the presence of the Bidders if they wish to attend, the Authorized Person and the Agent.
- 9.04 Bid Irregularities
- .01 The process for administering irregularities contained in Bids pertaining to Bid Solicitations is set out in Schedule "B".

9.05 Debriefing and Complaint Process

- .01 Bidders may, within thirty (30) business days of being informed that they have been unsuccessful in relation to procurement for the Municipality make a written request for a debriefing. The Agent shall arrange a debriefing; either in person, video conference or by telephone, with the unsuccessful Bidder and the Authorized Person to discuss the details of why the Bid was unsuccessful.
- .02 If the Bidder remains dissatisfied after the debriefing, the Bidder will have five (5) business days after the date of the debriefing to file a formal written complaint with the Agent.
- .03 The complaint will be reviewed by the Agent, the Authorized Person and may include Council representing the Municipality.
- .04 The Bidder shall be provided with a written response to the complaint by the Agent within sixty (60) business days of receipt of the formal written complaint.

9.06 Contractual Agreement

- .01 The Award of all procurements over \$19,999 may be formalized by way of a Purchase Order or other Contract issued to confirm the purchase of the Goods, Services or Construction, except for purchases of Goods or Services by a Procurement Card.
- .02 A Purchase Order may be used on its own when the resulting procurement requires only the Municipality standard contractual terms and conditions.
- .03 A formal agreement may be used when the resulting project is complex or will contain terms and conditions other than the Municipality standard contractual terms and conditions.
- .04 Where a formal agreement is required, Council will direct authorized signatories to execute the agreement.
- .05 In addition to incorporating relevant terms and conditions for the procurement, Contracts shall contain appropriate indemnification and insurance requirements.
 - a) Prior to the provision of Goods, Services or Construction that are the subject of the procurement, the Agent or the Authorized Person shall ensure that the Supplier has provided the required security, evidence of insurance as requested in the procurement and a Certificate of Clearance from the Workplace Safety and Insurance Board ("WSIB") and a fully executed Declaration affirming compliance with the most current Integrated Accessibility Standards Regulation with respect to the *Accessibility for Ontarians with Disabilities Act, 2005* ("AODA").

- b) For the entire duration of a Contract, the Agent administering the Contract shall ensure that evidence of required insurance coverages, performance security and WSIB certificates are renewed and maintained, where applicable.

9.07 Contract Amendments

- .01 Authorized Persons may approve contract Amendments where the Total Acquisition Cost of the initial Contract, the Contract Amendment and any previous Contract Amendments are collectively within Council Approved Budgets.
- .02 In arriving at a determination as to whether a Contract Amendment is appropriate, an Authorized Person shall consider the scope of the amendment and the scope of the existing Contract and whether the amendment should be the subject of a new Bid Solicitation instead of a Contract Amendment. In all cases, the Authorized Person shall ensure that any Contract Amendment is in the best interest of the Municipality. Contract Amendments should be avoided for Contracts that involve construction subsequent to certification of substantial performance as that term is defined pursuant to the *Construction Act*.
- .03 A Contract Amendment that changes the price of a contract shall contain a corresponding change in the scope of work or terms of reference except in the case of an extension term to an existing Contract, which was contemplated in the Bid Solicitation.
- .04 Where a Contract contains an option to extend the term such extension shall be exercised in writing by the Authorized Person in accordance with the terms of the Contract where:
 - a) The Supplier's performance in supplying Goods, Service or Construction has been satisfactory and in accordance with the terms of the Contract;
 - b) The Supplier is not in default under the terms of any other Municipal Contract;
 - c) The exercise of the extension option is in the best interest of the Municipality;
 - d) The cost of the Goods, Services or Construction for the extension term is within Council Approved Budgets and represents value for the Municipality.

9.08 Contract Performance

- .01 Authorized Persons shall be responsible for monitoring and ensuring the satisfactory performance of Suppliers with Municipal Contracts.
- .02 Departments shall record issues of non-performance or unsatisfactory performance in writing and shall consult with the Clerk and others as required to ensure that Contracts are performed in accordance with their terms and conditions.

9.09 Disqualification of Bidders or Suppliers

- .01 Bidder and Supplier shall be deemed to include any related entity and any partner, principal, director or officer of such Bidder or Supplier as well as any other legal entity with one or more of the same partner(s), principal(s), director(s) or officer(s).
- .02 A Bidder or Supplier may be excluded from eligibility to submit Bids or quotes or a submitted Bid or quote may be summarily rejected and returned to a Bidder or Supplier where the Clerk or their designate, in their absolute sole discretion that one of the following circumstances has occurred:
 - a) The Bidder or Supplier is or has been involved in Litigation with the Municipality, its members of Council, officers or employees;
 - b) The Bidder or Supplier has failed to pay an amount owed to the Municipality when due and owing;
 - c) There is documented evidence of poor performance, non-performance or default by the Bidder or Supplier in respect to any Contract;
 - d) The Bidder or Supplier has withdrawn its Bid on a previous Bid Solicitation after the Municipality has opened Bids;
 - e) The Bidder, Supplier or its personnel have demonstrated abusive behaviours or threatening conduct towards Municipal employees, their agents or representatives;
 - f) The Bidder or Supplier has been convicted of a criminal offence including but not limited to fraud or theft;
 - g) The Bidder or Supplier has been convicted of any quasi-criminal offence pursuant to applicable legislation or regulations including but not limited to the *Occupational Health and Safety Act*, as amended, where the circumstances of that conviction demonstrate a disregard on the part of the Bidder or Supplier for the health and safety of its workers, Municipal employees or the general public;

- h) The bidder or Supplier is bankrupt or insolvent;
- i) The Bidder or Supplier has made a false declaration(s);
- j) The Bidder or Supplier has committed professional misconduct, acts, or omissions that adversely reflect on the commercial integrity of the Bidder or Supplier.

.03 In arriving at a determination for the disqualification of a Bidder or Supplier the Clerk will consider whether the circumstances are likely to affect the Bidder or Supplier's ability to work with the Municipality, its consultants and representatives, and whether the Municipality experience with the Bidder or Supplier indicates that the Municipality is likely to incur increased staff time and legal costs in the administration of any dealings with the Bidder or Supplier.

.04 Based on the severity of the events leading to the disqualification, the Clerk shall establish the duration of the period during which the disqualification shall be effective.

9.10 Set-Off

The Municipality may exercise set-off against any Supplier providing Goods, Services or Construction to the Municipality where it is determined that such Supplier is indebted to the Municipality, regardless of how such indebtedness arises, and the Municipality may re-direct payments otherwise due to such Supplier towards repayment of outstanding amounts owed to the Municipality.

ARTICLE X - OTHER

10.01 Sweatshop Procurement

.01 The Municipality will not procure goods or services from companies or their sub-contractors where possible exploitation of children in Sweat Shops or other similar unsafe or unhealthy workplace exists, as embodies in United Nations and International Labour organization conventions.

.02 If any consumer goods or products supplied under a Bid Solicitation are determined by the Agent to be manufactured, assembled or produced in contravention to this By-law the Municipality reserves the right, at its absolute discretion, to:

- a) Return all the goods to the Vendor and require the Vendor to replace, within 30 days from the date of notification by the Municipality, the non-compliant goods or products with goods or products, of at least equal value, complying with this By-law and all other requirements and specifications of the Bid Solicitation, all at no cost to the Municipality; or

- b) Require the Vendor, within 30 days from the date of notification by the Municipality, to provide the Municipality with conclusive evidence that the consumer goods or products have not been manufactured, assembled or produced in contravention of this By-law, failing which the Municipality may terminate the Contract without any compensation and without notice to the Vendor.
- .03 If the Municipality terminates a Contract with a Vendor as a result of a breach of this By-law, the Municipality shall cease to be liable to the Vendor or to any other person for any unpaid amounts that would otherwise have been payable under the terms of the Contract and shall not be under any obligation to return to the Vendor any product supplied by the Vendor under the Contract.

ARTICLE XI: MISCELLANEOUS

11.01 Access to Information

- .01 The disclosure of information received through the application and administration of this By-law shall be in accordance with the provisions of the *Municipal Freedom of Information and Protection of Privacy Act* as amended.

11.02 Ontarians with Disabilities Act, 2001 and Accessibility for Ontarians with Disabilities Act, 2005

- .01 All Suppliers who provide Goods, Services or Construction to the Municipality shall comply with the *Accessibility for Ontarians with Disabilities Act, 2005*, and all Regulations emanating therefrom.

11.03 Effective Date

- .01 This By-law shall come into force and take effect on the date that it is enacted.

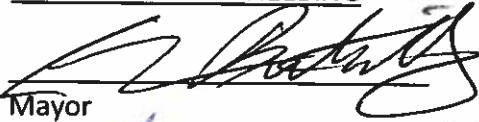
11.04 Repeal

- .01 By-law 08-2014 and all amendments thereto are hereby repealed on the effective date of this By-Law.

- .02 The repeal of By-law 08-2014 shall not affect the validity of any actions taken or procurements issued prior to the effective date of this By-law. For clarity and unless otherwise stated, Bid Solicitations and Blanket Purchase Orders issued prior to the effective date of this By-law, including any purchases made under such Blanket Purchase Orders subsequent to the said effective date, shall continue to be subject to the provisions of By-law 08-2014 notwithstanding the repeal.

ENACTED AND PASSED IN COUNCIL this 20th day of July, 2022, as witnessed by the corporate seal of the Corporation and the hands of it proper Officers duly authorized in that behalf.

THE CORPORATION OF THE
MUNICIPALITY OF NEEBING



Mayor



Clerk-Treasurer



Schedule "A"

To By-law 2022-23 of the Municipality

Subject to being within Council Approved Budgets, the Purchasing Policy and Section 9.06 of this By-Law, the purchasing methods described in this By-law are not required for the purchase of the following Goods and Services but may be used where, in the sole discretion of the Authorized Person, the use of such methods would be in the best interest of the Municipality:

1. Training and Education

- a) Registration and Tuition fees for Conferences, Conventions, Courses and Seminars
- b) Books, Magazines, Periodicals, Subscriptions and Text Books
- c) Memberships
- d) Staff Training, Development, and Workshops
- e) Facilitators and Key Note Speakers

2. Refundable Employee/Councillor Expenses

- a) Advances
- b) Meal Allowances
- c) Travel and Entertainment
- d) Miscellaneous – Non-Travel
- e) Hotel Accommodation

3. Employer's General Expenses

- a) Payroll Deduction Remittances
- b) Medical and Dental Expenses
- c) Licenses (Vehicle, Firearms, Quarries, Radios, etc.)
- d) Debt or Debenture Payments
- e) Grants and Levies to Agencies
- f) Damage Claims
- g) Petty Cash Replenishment
- h) Tax Remittances
- i) Charges To or From Other Government Bodies or Crown Corporations
- j) Employee Income
- k) Bank Charges and Underwriting Services where covered by Agreements
- l) Postal and Courier Charges
- m) Insurance premiums
- n) Professional Association Memberships

4. Professional and Special Services

- a) Committee Fees and/or Honoraria
- b) Legal and other Professional Services related to litigation or legal matters which must be procured in accordance with the Municipality's Bylaw for Delegation of Authority to various officers of the Municipality as amended or replaced from time to time.
- c) Witness fees
- d) Court Reporter fees
- e) Appraisers
- f) Surveyors
- g) External Legal Services
- h) External Insurance Adjusting Services
- i) Payment of Insurance Claims and Lawsuit Settlements
- j) Software Maintenance Contracts
- k) Funeral and Burial expenses
- l) Contracts related to the provision of "controlled acts" by persons" governed by a health profession Act", as those expressions are used in the *Regulated Health Professions Act*, S.O. 1991, c.18, as amended
- m) Veterinary Expenses

5. Other

- a) Utilities (e.g., hydro, gas or fuel, telephone charges, etc.)
- b) Advertising services required by the Municipality on or in but not limited to radio, television, newsprint or on-line media
- c) Newspaper and magazine subscriptions
- d) Bailiff, collection agencies and financial reviews conducted on a contingency basis for the purposes of recovering amounts paid or owed
- e) Concerts and special events including goods and services purchased for special events and concerts.
- f) Real estate acquisitions and dispositions pursuant to PART XI of the *Municipal Act, 2001*.
- g) Investments
- h) Removal, relocation, maintenance and construction related to utility infrastructure
- i) Ongoing costs for software systems previously acquired
- j) The existence of exclusive rights for Goods previously acquired, such as proprietary, patent, copyright, license or warranty restrictions

6. Emergencies

Where an Emergency has been declared, or where there is an emergency circumstance falling short of a declaration, but an Emergency exists nonetheless, purchases of Goods and Services required to maintain:

- Public Health;
- Essential Services provided by the Municipality; or
- Welfare and Protection of Persons, Property or Environment

may be undertaken without following the processes outlined in this By-law.

7. Approved Vendors

Where another order of government has approved a vendor of record after the appropriate screening process, and where that vendor offers goods and services required to the Municipality at the same pricing as it offers to the order of government that approved it, no Bid Solicitations are required for purchases from that Vendor where an Authorized Person believes it to be in the best interest of the Municipality.

8. Recognition of Local Purchasing Processes

Where another municipal government or order of government has undergone a public purchasing process in the District of Thunder Bay for goods and services that are also required by the Municipality, and the vendor who was successful in that process provides the same pricing as it offers to the order of government that approved it, no Bid Solicitations are required for purchases from that Vendor where an Authorized Person believes it to be in the best interest of the Municipality.

Schedule "B"

To By-law 2022-23 of the Municipality

Applicable to Hard Copy and Electronic Bidding

Unless indicated otherwise by the Clerk in writing, where time is provided pursuant to this Schedule, such time shall commence upon written notification being sent by the Authorized Person.

	IRREGULARITY	RESPONSE
1.	Late Bid.	Automatic rejection. Bid not to be accepted at the counter. If accepted (for example: received by mail) such Bid shall not be opened or read publicly and shall be returned to the Bidder. Electronic Bidding System shall not accept late Bid submissions.
2.	Unsealed Submission Package	Automatic rejection.
3.	Failure to attend or have a representative in attendance at a Mandatory Information Meeting within the prescribed period.	Automatic rejection where such meeting is specified as mandatory in Bid Solicitation.
4.	Any other irregularities	Automatic rejection. The Authorized Person in consultation with the Clerk, and/or Municipality's Solicitor at the discretion of the Clerk (or designate), shall have authority to waive other irregularities or grant two (2) business days to initial or correct such other irregularities determined by them to be trivial or insignificant.

Bid Deposit and Performance Guarantee (Where Required)		
	IRREGULARITY	RESPONSE
5.	No Bid Deposit, performance guarantee or agreement to bond or insufficient Bid Deposit, Performance Guarantee or agreement to bond.	Automatic rejection.
6.	Failure to execute agreement to bond (Surety's Consent).	Automatic rejection.
7.	Failure to execute Bid Bond by Bidder or Bonding Company.	Automatic rejection.
8.	All required sections of Bid documents not completed.	Automatic rejection unless, in the opinion of the Authorized Person, the incomplete nature is trivial or insignificant in which case four (4) business days shall be provided to complete the required sections.
9.	All required Bid documents are not submitted.	Automatic rejection unless, in the opinion of the Authorized Person, the bid document not provided contains information which is trivial or insignificant in which case four (4) business days shall be provided to submit the document(s).
10.	Qualified Bids (Bids qualified or restricted by an attached statement).	Automatic rejection unless, in the opinion of the Authorized Person and Clerk, in consultation with the Municipality's solicitor at the discretion of the Clerk (or designate), the qualification or restriction is trivial or not significant.
11.	Bids received on documents other than those provided or specified by the Municipality.	Automatic rejection unless in the opinion of the Authorized Person and Clerk, in consultation with the Municipality's solicitor at the discretion of the Clerk (or designate), the intention of the Bidder is clear and the Bid documents does not materially deviate from those provided by the Municipality.

	IRREGULARITY	RESPONSE
12.	Bids containing clerical errors, which are trivial and insignificant.	Two (2) business days to correct and initial errors. The determination of what constitutes trivial and insignificant errors shall be made in the opinion of the Authorized Person.
13.	(a) Bids completed and/or signed in erasable medium.	Automatic rejection.
	(b) Failure to include a signature of the person authorized to bind the Bidder in the space provided in the Bid documents.	Automatic rejection. Where the Bidder has provided a signature that does not appear to be an original signature (for example: a photocopy) the Bidder shall be provided with four (4) business days to provide an original signature. The Electronic Bidding System shall not accept Bids unless the Bidder has checked a box confirming authority to submit a Bid on behalf of the Bidder.
14.	(a) Un-initialed changes to the Tender documents, other than unit prices, which are trivial or insignificant.	Four (4) business days to initial changes. The determination of what constitutes trivial or insignificant un-initialed changes shall be made in the opinion of the Agent.
	(b) Unit prices in the Schedule of Prices have been changed but not initialed and the Contract totals are consistent with the price as changed.	Four (4) business days to initial change in unit price.
	(c) Unit prices in the Schedule of Prices which have been changed but not initialed and the Contract totals are inconsistent with the price as changed.	Automatic rejection.

	IRREGULARITY	RESPONSE
	(d) Unit price extension which is not consistent with the unit price.	The Authorized Person will update the extended price based on the stated unit price. (No change shall be made to the stated unit price.) The Bidder shall be provided four (4) business days to initial the changes as made by the Authorized Person.
15.	Other mathematical errors which are not consistent with unit prices or where an error has been made in transferring an amount from one part of the submission to another.	The Authorized Person shall correct the error(s) or update with the amount shown before the transfer, and shall update the ensuring totals accordingly. The Bidder shall have four (4) business days to initial corrections as made by the Authorized Person.
16.	Bids in which all necessary Addenda have not been acknowledged.	Automatic rejection unless in the opinion of the Authorized Person and Clerk, in consultation with the Municipality's solicitor at the discretion of the Clerk, the addendum (addenda) does not significantly impact the bid, in which case the Bidder will be provided four (4) business days to formally acknowledge the addendum (addenda) with no change or amendment permitted to the financial Bid. Electronic Bidding shall not accept submissions where addenda have not been acknowledged.
17.	Bids not submitted through Electronic Bidding when directed.	Automatic rejection.

Schedule "C"

To By-law 2022-23 of the Municipality

Purchasing and Contract Execution Authorities

- .01 Employees or officers of the Municipality identified in the table below shall have the authority to execute contracts and all other documents necessary to effect the award or purchase of goods and/or services, up to the prescribed limits, provided that the documents have been prepared in a form satisfactory to the Clerk and that the award or purchase complies with this By-law.
- .02 All executed agreements must have been included in the budget process. Items outside of the current approved budget will require Council approval.
- .03 The approval of purchases shall be completed by the Authorized Person or Designate.

METHOD	DOLLAR VALUE	PURCHASING AUTHORITY	CONTRACT EXECUTION AUTHORITY	PAYMENT RELEASE AUTHORITY
Procurement Card (P-Card)	\$0 to \$5,000	Card Holder	N/A	Authorized Person
Low Dollar Value Purchase	\$0 to \$4,999	Agent Or Authorized Staff	N/A	Authorized Person
Informal Quotation	\$5,000 to \$19,999	Authorized Person	Authorized Person	Authorized person
Formal Process	\$20,000 to \$49,000	Clerk and Authorized Person	Clerk	Clerk
Formal Process	\$50,000 or more	Clerk through Council Approval	Mayor and Clerk	Clerk

- .04 The Clerk designates Authorized Persons and dollar value spending limits.