

**BY-LAW No. 2023-21**

***Being a By-law to ensure compliance with  
Procurement Requirements of Section 270 (1)  
of the Municipal Act, 2001,  
S.O. 2001, Chapter 25***

WHEREAS the Municipal Act, 2001, S.O. 2001, Chapter 25, Section 270 (1) requires that a municipality shall adopt and maintain policies with respect to its procurement of goods and services, including policies with respect to:

- a) the types of procurement processes that shall be used; and
- b) the goals to be achieved by using each type of procurement process; and
- c) the circumstances under which each type of procurement process shall be used; and
- d) the circumstances under which a tendering process is not required; and
- e) the circumstances under which in-house bids will be encouraged as part of tendering process; and
- f) how the integrity of each procurement process will be maintained; and
- g) how the interest of the municipality or local board, as the case may be, the public and persons participating in procurement process will be protected; and
- h) how and when the procurement processes will be reviewed to evaluate their effectiveness; and
- i) any other prescribed matters.

BE IT THEREFORE RESOLVED THAT the Corporation of the Township of Dubreuilville enacts as follows:

**I General Applications**

All expenditures must be within the guidelines and amounts approved in the annual budget:

- Department Heads are responsible for the purchases of goods and materials which are required to maintain and/or operate their respective departments; and
- As set out hereafter, each purchase, except for the ones as specified hereafter, requires either a resolution, a meal voucher, a travel form, a numbered purchase order or a statement of purchase; and
- The Administration Department is responsible for preparing and distributing purchase orders for the Department Heads and/or Council; and
- The Department Heads are responsible for preparing statements of purchases.

**Requisitions:**

- A purchase order shall be issued upon submission of a completed requisition form as follow:

The Department Head is responsible for:

- a) Indicating the supplier and price extensions; and
- b) Indicating any applicable taxes and/or delivery charges; and
- c) A valid account number to which the charge should be applied; and
- d) Indicating the department for which the purchase is being made; and
- e) The date and time requisition were completed.

Documentation that should be attached to the purchase requisition include, notes indicating who was contacted for prices, quotation amounts and written quotations received; and

The lack of any of the above information will result in the non-completion of a purchase order. Subsequently, the purchase requisition will be returned to the Department Head.

**Requisitions Winter Control Purposes:**

- For the purpose of equipment rental for the purpose of winter control **ONLY**, a requisition shall be completed after the use of the machinery; and
- The requisition shall identify the equipment used, if the service of an external operator was required, specifically the amount of time spent at each department, the date the equipment was used and the supplier used; and
- The Administration Department is responsible to provide the supplier with the appropriate purchase order number.

**Purchase Orders:**

A purchase order will be completed upon receipt of a purchase requisition. The first copy of the purchase order shall be mailed to the supplier giving approval for the purchase; and  
The second copy of the purchase order shall be sent to the requisitioning department.

- Purchase orders must bear two signatures one from the CAO/Clerk and one from the Treasury Department. In their absence, the signature of the Mayor or the member of Council assigned to the financial department may be accepted; and
- Purchase orders must be signed prior to the actual purchase; and
- A purchase order shall be executed by the Administration Department within 24 hours from the time the requisition is made; and
- Solely items and quantities identified on the purchase order may be purchased with that specific purchase order number. Should the Department Head decide to purchase more items or larger quantities, a request for an additional purchase order or modifications to the original purchase order may be requested through the Administration Department; and
- Purchases may be made only from the supplier identified on the purchase order. Should the Department Head decide to purchase from a different supplier, the Department Head may request to cancel the previous purchase order and request the execution of a new purchase order or notify the Administration Department of the change in supplier; and
- The Department Head shall notify the Administration Department immediately should any items identified on the purchase order are not to be purchased.

The second copy must be returned to the Administration Department signed for the acknowledgement of the receipt of goods or services. Any shipping documents must be attached (packing or delivery slips). This document provides proof that the goods or services were received. The AP Technician will not make a payment until this document is received.

If a backorder situation arises, **a notation** should be made on the second copy when it is returned to the AP Technician. A copy of the purchase order should then be used as the acknowledgement of the items on backorder when they are received.

It should be noted that the second copy received without the notation of backorders will be assumed to be a closed order. This will result in the payout of the outstanding balance.

#### **Statements of Purchases:**

- Statements of Purchases are to be used to purchase items/services required to perform regular operational duties in the event where it becomes unfeasible to wait for the purchase order process to follow through; and
- Statements of purchases must be completed for any purchases done without a purchase order; and
- Statements of purchases must be completed to inform the Administration Department that on-going maintenance services have been performed; and

- therefore, invoice shall be expected and disbursed; and
- The statement of purchase must identify the supplier, the items, the quantities, the department for which the purchase was made and the reason for the purchase; and
  - The Department Head is responsible for obtaining any two signatures, either from the CAO/Clerk, the Treasury Department, Mayor or the member of Council assigned to the financial department; and
  - The statement of purchases must be remitted to the Treasury Department within 24 hours of the purchase.

**Meal Expenses:**

- Departments Heads wishing to incur costs for meals to the Township shall obtain approval from the CAO/Clerk, in his or her absence, from the Deputy-Clerk, prior to the actual expense being incurred; and
- This prior approval requirement provision does not apply to the CAO/Clerk and/or the Mayor; and
- Receipts shall be signed by the Department Heads, CAO/Clerk and/or the Mayor; and
- The reason/guests shall be indicated on the receipt; and
- The Department Heads, CAO/Clerk and/or Mayor may add a gratuity in the amount of 15%.

**Request for Advance and/or Refund of Travel Expense form:**

- The prescribed form shall be completed and signed by the Employee and/or Member of Council requesting the disbursement; and
- The request for payment shall be endorsed by the CAO/Clerk and/or the Treasurer, in the absence of the CAO/Clerk; and
- Whenever possible, forms shall be completed in a timely matter to allow issuance of check prior to travel and within normal accounts payable process; and
- These forms shall also be used to request reimbursement of meals paid by employees and/or Members of Council for Township purposes; and
- The prescribed form allows for the recording of vehicle leases; and
- Travel expenses shall be reimbursed as set out in the travel policy.

**Items not requiring a Purchase Order:**

Whereas some requests for payment comprise of ongoing operational costs of a repetitive nature, purchase orders are not required for the following items. These include, but are not limited to. However, they do require an authorized signature and a valid account number:

- Photocopier maintenance
- Elevator maintenance
- Propane / gas (signature of purchaser required on invoice)
- Cylinder rentals
- Payroll
- Payroll deduction remittances
- Workplace Safety and Insurance Board remittances
- Medical Plan premiums
- Pension Plan remittances
- Insurance premiums
- Associations' memberships (various per budget)
- Courier and other shipping charges. The related purchase order number and the account number to be charged shall be noted on the waybill
- Petty cash vouchers
- Laboratory tests
- Levies
- Utilities
- Postage
- Water and sewer charges
- Telephone/Internet
- Vehicle licenses
- Zamboni knife sharpening
- Etc.

**Emergency Situations:**

*An emergency situation shall be described as an immediate danger to life, health or safety of the citizens of Dubreuilville:*

- Whereas emergency situations may be encountered, an emergency purchase order shall be permitted; and
- The Department Head or designate may, under these circumstances, circumvent the policy to affect an emergency purchase of supplies and/or equipment rental as required, in order to provide an immediate solution to the situation; and

- The next business day, the responsible Department Head shall prepare the necessary requisition outlining the required information noting the emergency circumstances. Once fully completed, a purchase order may be obtained, which should then be communicated to the supplier for placement on the invoice; and
- The Department Head shall be responsible to file a complete report on the circumstances with the CAO/Clerk as soon as possible.

**Petty Cash and Float:**

- The Administration Department is responsible for the safekeeping of a \$150.00 petty cash; and
- Some type of expenses may be made by utilizing petty cash money. These include, but are not limited to:
  - inexpensive items purchased from a one-time supplier of a value of \$50.00 or less; and
  - inexpensive items purchased from a supplier with whom we do not have an account of a value of \$50.00 or less; and
  - postage of registered letters.
- An official receipt / invoice must accompany every disbursement made from the petty cash; and
- The items purchased and/or paid out from the petty cash are not regularly brought to Council and therefore shall be utilized only in situations where the issuance of a check is not possible or feasible; and
- Petty cash reconciliation is to be completed on a regular basis and filed with the AP Technician; and
- The Administration Department is responsible for the safekeeping of a \$500.00 cash float for change purposes.

**II Types of Procurement Process**

<b>Amount/Type of Purchase (Procurement Threshold)</b>	<b>Procurement Process to be Used</b>	<b>Conditions Explanations (Process required)</b>
\$0 - \$5,000 operational approved by	purchase orders, statement of purchases, request for travel advance or refund, etc.	acquisitions of good and services are permitted without Council approval, providing that the goods and/or services are operational expenses and/or have been

budget	Direct purchases	included in the annual budget estimates approved by Council. Direct purchases should be made locally whenever a local vendor is available and competitive.
\$5,001 - \$10,000 operational approved by budget	purchase order	for any items costing over \$5,000 which were approved within the budget process, a minimum of two quotations, where reasonable, shall be attached to the requisition (email or written)
\$10,001 - \$75,000 capital not approved by budget	resolution	Council approval is required for the purchase of capital assets and /or any one (1) item, costing over \$10,000 which were not approved within the budget process
Tendering	tendering process as set out in this by-law/resolution	the tender process outlined in this by-law shall be followed, upon completion of the tender call, Council shall approve by resolution, the successful bidder per recommendations from municipal team and/or our engineer
No \$ limit not a tendering process	proposals/resolution	used when a unique proposal designed to meet a broad outcome to a complex problem of need for which there is not clear or single solution

Note: Request for Proposal or invitation to Tender can be for any value, if so desired.

- no other form of procurement shall be permitted, unless prior approval is obtained by Council resolution; and
- to meet with section 270 (1), the municipality shall not consider in-house bids as an acceptable procurement process; and
- exceptions from this policy may be granted in circumstances where there is only one supplier available and no alternative or substitute exist and/or where there is a statutory monopoly on the product or service; and
- exceptions from this policy may be granted in circumstances where the municipality deems it desirable to award a non-competitive contract for follow-on goods or services after the completion of a competitive contract.

**Tender Process:**

- Tenders will be called for all work, equipment and materials that are not for regular operational/maintenance purposes; and
- Tenders shall be called by way of public advertising, as outlined in this section; and
- Advertisement must include the following information:
  - site meeting (if applicable) - time, date and location
  - contact name for technical and purchasing inquiries
  - document fee (if applicable)
  - location for picking up tender packages
  - location for dropping off tender packages
  - deadline for submission of tender packages
  - the privilege clause: “lowest or any bid may not necessarily be accepted”
- The closing date shall be a minimum of 15 calendar days after the date of advertising. However, a tender may be closed in a shorter or longer period of time depending on the urgency or complexity of the item(s) being tendered, subject to Council and/or Administrative approval; and
- The tender advertisement shall be posted on our municipal website, on our social media, on community bulletin boards; and
- Depending on the complexity of the items(s) being purchased, Council may obtain professional assistance from qualified individuals to assist with the preparation and completion of the tender specifications, such as our Engineer; and
- All tender submissions must be addressed to the CAO/Clerk and/or Engineer and returned in the envelope provided with the tender package (if applicable). Upon receipt of a tender, we shall:
  - date and time stamp the sealed envelope
  - assign a tender number to the tender package and record the submission on a tender log
  - deposit the sealed tender in a assigned location
  - issue a date and time stamped receipt to the bidder if requested
- the CAO/Clerk and/or Engineer shall refuse to accept any tender submission that is:
  - not sealed
  - received after the closing deadline
  - submitted after a tender has been cancelled

- requests for withdrawal of a tender shall be allowed if the request is made by the bidder in writing before the closing time for the contract to which it applies. A senior official of the company must direct request to the CAO/Clerk by letter or in person, with a signed withdrawal confirming the details. Telephone requests will not be considered. The withdrawal of a tender does not disqualify a bidder from submitting another tender on the same contract; and
- Tenders close at 3:00 p.m. on the appointment day and are to be publically opened at date and time specified in the tender documents, in the presence of at least one (1) Council Member, when applicable. The amount of each bid shall be recorded on the tender log; and
- The Treasurer shall review each tender to determine whether a bid irregularity exists, and action is taken according to the nature of the irregularity
- The CAO/Clerk and/or Engineer shall submit a report for consideration by council and approval by resolution. Such report shall include:
  - list of rejected bids and reasons for the rejection
  - a recommendation in support of one of the bids
  - the rationale for this recommendation

***Co-Operative Purchasing:***

- The municipality may participate with other government agencies and/or local boards in co-operative purchasing where it is in the best interest of the municipality to do so. The policies of the government agency or local board calling the co-operative tender are to be the governing policies for that particular tender.

**III Goals to be Achieved**

- to ensure financial reports provide accurate information for each department; and
- to ensure all expenses incurred are for the purpose and best interest of the municipality; and
- to encourage competition among bidders; and
- to obtain the highest quality of goods and services for the best possible price; and
- to ensure that the procurement process is conducted in an efficient and effective manner; and
- to ensure fairness among bidders; and
- to ensure accountability and transparency while protecting the financial interest of the municipality.

**IV Maintaining the Integrity of the Procurement Process**

**Purchasing Responsibility:**

The Council has the responsibility for procurement activities and has ultimate authority for all expenditures. All contracts, where applicable, are subject to Council approval. The Council may delegate, by resolution, members of the municipal team, who shall have the

authority to purchase goods and/or services within the boundaries of this policy. The Treasurer cannot pay for any items that have not been authorized by the Council through budget approvals or specific resolutions. The purchasing policy provides guidelines outlining how spending authority is to be used.

**Cancellation of Bid Solicitation:**

The Council may cancel a bid solicitation at any time before any contract is awarded.

**Access to Information:**

The disclosure of information requests shall be made in writing to the CAO/Clerk or other person designated by Council, relevant to the bid solicitations or the award of contracts emanating from bid solicitations shall be in accordance with the provisions of the Municipal Freedom of Information and Protection of Privacy Act, as amended.

**Bid Irregularities:**

- For the purposes of this policy, bid irregularities are further classified as “major irregularities” or “minor irregularities”; and
- Major irregularities are a deviation from the bid request that affects the price, quality, quantity or delivery, and is material to the award. If the deviation is permitted, the bidder could gain an unfair advantage over competitors. The municipality must reject any bid, which contains a major irregularity; and
- Minor irregularities are a deviation from the bid request, which affects form, rather than substance. The effect on the price, quality, quantity or delivery is not material to the award. If the deviation is permitted or corrected, the bidder would not gain an unfair advantage over competitors. The municipality may permit the bidder to correct a minor irregularity; and
- The CAO/Clerk will be responsible for all action taken in dealing with bid irregularities and acts in accordance with the nature of the irregularity:
  - major irregularity - automatic rejection
  - minor irregularity - bidder may rectify
  - errors in calculations (including errors in taxes) - may be corrected and the unit prices will govern

<b>Description of Irregularity</b>	<b>Major</b>	<b>Minor</b>	<b>Action to be Taken</b>
late bids - by any amount of time	X		automatic rejection
bids completed in pencil	X		automatic rejection
bid surety not submitted with the bid when the bid request indicated that such surety is required	X		automatic rejection

<i>execution of agreement to bond:</i> bond company corporate seal or equivalent proof of authority to bind company or signature is missing surety company not licensed to do business in Ontario	X		automatic rejection
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<i>execution of bid bonds:</i> corporate seal or equivalent proof of authority to bind company or signature of the bidder or both missing corporate seal or equivalent proof of authority to bind company or signature of bonding company missing	X		automatic rejection
<i>other bid security:</i> check which has not been certified	X		automatic rejection
bidders not attending mandatory site meeting	X		automatic rejection
unsealed tender envelopes	X		automatic rejection
proper response envelope or label not used		X	acceptable if officially received on time
pricing or signature pages missing	X		automatic rejection
insufficient financial security, no deposit or bid bond or insufficient deposit	X		automatic rejection
bid received on documents other than those provide in request	X		not acceptable unless specified otherwise in the request
execution of bid document, proof of authority to bind corporation is missing	X		automatic rejection
part bids (all items not bid)		X	acceptable unless complete bid has been specified in the request
bids containing minor clerical errors		X	two (2) working days to correct errors and initial changes - Council reserves the right to waive initialing and accept bid

changes not initialed in the bid that are minor (ie: the bidder's address is amended by overwriting but not initialed)		X	two (2) working days to correct errors and initial changes - Council reserves right to waive initialing and accept bid
alternate items bid in whole or in part		X	available for further consideration unless specified otherwise in request
unit prices in the schedule of prices have been changed but not initialed		X	two (2) working days to correct errors and initial changes - Council reserves the right to waive initialing and accept the bid
other mathematical errors which are not consistent with the unit prices		X	two (2) working days to correct errors and initial changes - unit price will govern
pages requiring completion of information by vendor are missing	X		automatic rejection
bid documents which suggest that the bidder has made a major mistake			consultation with a solicitor on a case-by-case basis and referenced within the staff report if applicable

**NOTE:** The above list of irregularities should not be considered all-inclusive. The CAO/Clerk, in consultation with Council and/or Engineer, will review minor irregularities not listed. The CAO/Clerk may then recommend that Council accept the bid or request that the bidder rectify the deviation

- In the event that the successful bidder withdraws its bid due to the identification of a major irregularity before Council enters into a written contact with that bidder, Council, by resolution, may disqualify such vendor from participating in further quotations and tenders for a period of up to one year.

**Contract Without Budgetary Approval:**

Where a requirement exists to initiate a project for goods, services or construction and funds are not contained within the approved budget, the Department Head requesting the goods and/or services shall, prior to commencement of the purchasing process, submit a report to Council containing:

- information surrounding the requirement to contract; and
- the terms of reference to be provided in the contract; and
- information on the availability of the funds within existing estimates that were originally approved by Council for other purposes or on the requirement of additional funds.

**Restrictions:**

- No contract for goods, services or construction may be divided into two or more parts to avoid the application of the provisions of this by-law; and
- No contract for services shall be awarded where the services would result in the establishment of an employee-employer relationship; and
- No one shall purchase, on behalf of the municipality, any goods, services or construction, except in accordance with this by-law; and
- Only those individuals authorized to purchase on behalf of the municipality in accordance with this policy shall be permitted to contact bidders in writing as soon as practicable during the procurement process in instances where clarification about the procurement is necessary. No one involved in the procurement process is permitted to contact bidders during the evaluation process; and
- No one associated with the municipality, including members of Council and employees shall accept any gifts, regardless of value, from any suppliers participating in or who have participated in procurement processes with the municipality.

**Conflicts of Interest:**

- Where an employee involved in the award of any contract, either on his or her own behalf or while acting for, by, with or through another person, has any pecuniary interest, direct or indirect, in the contract, the employee;
  - shall immediately disclose the interest and the general nature thereof to Council; and
  - shall not take part in the award of the contract; and
  - shall not attempt in any way to influence the award of the contract
  - An employee has an indirect pecuniary interest in any contract in which the municipality is concerned, if the employee or his or her spouse, same-sex partner or immediate family; and
  - is a shareholder in or a director or senior officer of a corporation that does not offer its securities to the public that has a pecuniary interest in the contract; and
  - has a controlling interest in or is a director or senior officer of a corporation that offers its securities to the public that has a pecuniary interest in the contract; and
  - is a member of an incorporated association or partnership that has a pecuniary interest in the matter; and
  - is in the employment of a person, unincorporated association or partnership that has a pecuniary interest in the contact.
- Where a member of Council, either on his or her own behalf or while action for, by with or through

another person, has any pecuniary interest, direct or indirect, in the contract, that Council member;

- shall immediately disclose the interest and the general nature thereof to Council; and
  - shall not take part in the award of the contract; and
  - shall not attempt in any way to influence the award of the contract.
- A member of Council has an indirect pecuniary interest in any contract in which the municipality is concerned, if he or she or his or her spouse, same-sex partner or immediate family;
    - is a shareholder in or a director or senior officer of a corporation that does not offer its securities to the public that has a pecuniary interest in the contract; and
    - has a controlling interest in or is a director or senior officer of a corporation that offers its securities to the public that has a pecuniary interest in the contract; and
    - is a member of an incorporated association or partnership that has a pecuniary interest in the matter; and
    - is in the employment of a person, unincorporated association or partnership that has a pecuniary interest in the contract.

## V **Protecting the Interest of the Municipality, Public and Bidders**

### **Procurement Documentation:**

- Procurement documentation for bid requests shall avoid use of specific products or brand names; and
- The use of standards in procurement that have been certified, evaluated, qualified, registered or verified by independent nationally recognized and industry-supported organizations such as the Standards Council of Canada shall be preferred; and
- Council may specify a specific product or brand name for essential functionality purposes to avoid unacceptable risk or for some other valid purpose. In such instances, Council shall manage the procurement in order to achieve a competitive situation if possible; and
- Awards shall typically be made to the lowest bidder who has complied with the terms and conditions in the request for quotation or request for tender, all other factors being equal. In addition to price, consideration of factors as set out below may result in the acceptance of a bid other than the lowest bid;
  - ability and experience to perform in accordance with the terms of the invitation; and
  - record of past performance with Council; and
  - past performance with other municipalities or boards; and
  - financial and technical resources; and
  - knowledge of the municipality's operations, systems and services; and
  - compatibility with other goods and services of the municipality; and
  - the percentage of local content, including supplies, materials and sub-

- contractors from within the municipal boundaries; and
  - other factors, including a scoring system which may be used by Council in evaluating bids received
- All bid requests shall include the privilege clause “the lowest or any bid may not necessarily be accepted”. When using such privilege clause the specific reasons for not accepting the bid shall be disclosed to all bidders.

**Guarantee of Contract Execution and Performance:**

- Council may require that a bid bond or other similar security to guarantee entry into a contract shall be submitted with all bids. Unless otherwise specified, in circumstances where a bid bond or other security is required, the refundable deposit requirements for request for tenders shall be as follows:
 

•	Estimated Total Acquisition Cost	\$0 - \$5,000
	Minimum Deposit Required	5%
•	Estimated Total Acquisition Cost	Greater than \$5,000
	Minimum Deposit Required	10%
- Prior to commencement of the work, the successful bidder may be required to provide the following security in addition to the security already provided:
  - a performance bond to guarantee the performance of a contract; and
  - a payment bond to guarantee the payment for labor and materials supplied in connection with the contract
- Council shall select the appropriate means to guarantee execution and performance of the contract. Means may include one or more of, but are not limited to, certified checks, bank draft, irrevocable letter of credit, money order and, where appropriate, a bid bond issued by an approved guaranteed company properly licensed in the province of Ontario, on bond forms acceptable by Council; and
- Prior to the commencement of work, evidence of insurance coverage satisfactory to the municipality must be obtained, ensuring indemnification of the municipality from any and all claims, demands, losses, costs or damages resulting from the performance of a bidder’s obligations under the contract and from any risk determined by the municipality as requiring coverage; and
- Prior to payment of a supplier, a certificate of clearance from the Workplace Safety and Insurance Board shall be obtained ensuring all premiums of levies have been paid to the Workplace Safety and Insurance Board to the date of payment.

### **Evaluation of Bids Received and Awarded:**

- The CAO/Clerk, Treasurer and Department Heads requesting the goods and/or services, shall review all bids against the established criteria and reach consensus on the final rating results and the Treasurer shall ensure that the final rating results with supporting documents are kept in the procurement file; and
- The Treasurer shall submit a summary of the procurement and provide a recommendation to Council respecting award of contract to the bidder whose bid meets all mandatory requirements as specified in the bid solicitation and provides best value to the municipality based on the evaluation criteria specified in the bid solicitation; and
- In the event that more than one bidder has submitted a tender in the same amount, Council shall make its decision based on the merit of the bid, including such factors as time for completion and previous performance of the bidder. If the merit for each bid is equal, then the bid to be accepted shall be decided by means of a draw. The names of the tied bidders shall be placed in a container and the bid to be awarded shall be drawn by a member of Council. The CAO/Clerk shall set the time and location of the draw and notify all bidders in order that they may be present.

### **Bids in Excess of Project Estimates:**

- Where bids are received in response to a bid solicitation but exceed the project estimates, the CAO/Clerk, with the authority of Council, may enter into negotiations with the lowest responsive bidder to attempt to achieve an acceptable bid with the project estimate; and
- Council may cancel a competition or call a new competition when an original bid cannot be negotiated that falls within budget limits.

### **Contractual Agreements:**

- The award of a contract shall be made by way of an agreement or resolution; and
- A formal agreement is to be used when the contract is complex and will contain terms and conditions other than Council's standards terms and conditions; and
- A resolution shall be used when the contract is simple and Council's standard terms and conditions are met; and
- Where a formal agreement is required, Council shall review and approve the agreement by by-law; and
- Where a formal agreement is required for a contract value exceeding \$10,000, Council shall consider the hiring of a lawyer to review and make recommendations to Council; and
- Where a formal agreement is not required, the Department Head requesting the goods and/or services shall prepare a report for Council requesting that the tender be received and approved, while incorporating the relevant terms and conditions of Council; and
- Council shall approve any and all changes in a contract that affect price or terms of the original contract; and
- All contracts shall specify conditions under which the contract may be terminated by either Council or the bidder.

### **Exercise of Contract Renewal Options:**

- Where a contract contains an option for renewal, Council may exercise such option provided that:
  - the suppliers' performance in supplying the goods, services or construction is considered to have met the requirements of the contract; and
  - Council agrees that the exercise of the option is in the best interest of the municipality; and
  - funds are available in appropriate accounts within the municipality's approved estimates including authorized revisions to meet the proposed expenditure
- The authorization from Council shall include a written explanation as to why the renewal is in the best interest of the municipality and include comment on the market situation and trend.

### **Execution and Custody of Documents:**

- The Mayor and the CAO/Clerk are authorized to execute formal agreements in the name of the municipality that have been approved by by-law; and
- The Treasurer shall have the authority to issue purchase orders; and
- The purchase orders shall be executed in accordance with this by-law; and
- The CAO/Clerk and/or the Treasurer shall be responsible for the safeguarding of original contract documentation for the contracting of all goods, services or construction awards; and
- The Treasurer shall be responsible for safeguarding of original copies of all purchase orders, statement of purchases, travel forms, etc...

### **Supplier Performance:**

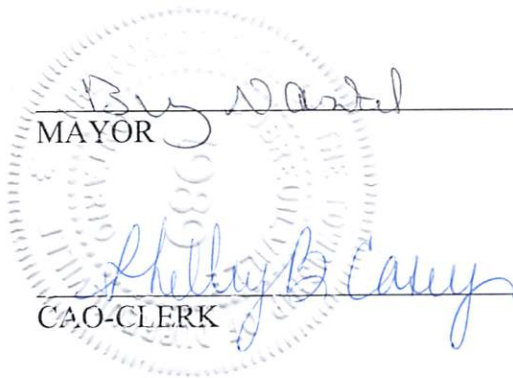
- All municipal employees participating in a procurement process shall document evidence where the performance of a supplier has been unsatisfactory in terms of failure to meet contract specifications, terms and conditions or for health and safety violations. The Treasurer shall maintain such documentation on file for the respective vendors.
- The Department Head requesting the goods and/or services shall complete a performance evaluation to rate the performance of the contractor, supplier or consultant. Such evaluation shall be appropriate in determining if the municipality has obtained a satisfactory level of performance by the successful bidder. This exercise should be performed for all procurement activities with contract value exceeding \$10,000. The performance evaluation criteria shall be adopted from time to time and shall be provided to the successful bidder in advance of the contract, and shall remain constant for the duration of the contract; and
- The Department Heads shall provide the bidder with the written result of the performance evaluation and the bidder shall have twenty (20) days following delivery of the evaluation to request an appeal; and
- Council shall hear from both parties at a time and place appointed in writing by the CAO/Clerk. The decision of Council shall be in writing, a copy of which shall be provided to the contractor, supplier or consultant, and the decision of a majority of council present and voting shall be final.

**VI Review and Evaluation**

The municipality shall review this policy every four years commencing from the date of adoption. Such review shall include the evaluation of the effectiveness and efficiency of all policies.

Whereas that By-Law No. 2012-22 and 2013-22 be and are hereby repealed.

Read a first, second and third time, enacted and passed this 12<sup>th</sup> day of April 2023.



*Ben Ward*  
MAYOR

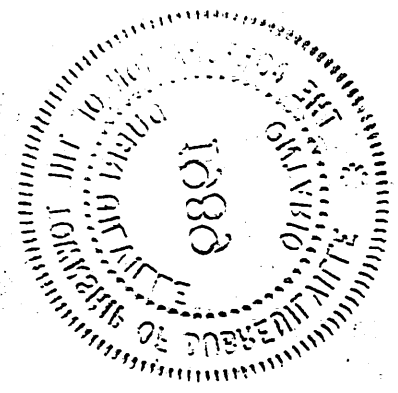
*Shelby B. Cunniff*  
CAO-CLERK

1938

THE NATIONAL ARCHIVES  
COLLECTIONS DIVISION  
1938

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## COUNCIL RESOLUTION

Moved By: Hélène  
 Seconded By: Krystal

DATE: April 12, 2023  
 Resolution No. 23-108

Whereas that By-Law No. 2023-21, being a By-law to ensure compliance with Procurement Requirements of Section 270 (1) of the Municipal Act, 2001, S.O. 2001, Chapter 25, be adopted as presented.

<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>Carried</u>	<u>Defeated</u>	<u>Deferred</u>

RECORDED VOTE:	YES	NO
<b>Councillor</b> Hélène Perth	___	___
<b>Councillor</b> Luc Lévesque	___	___
<b>Councillor</b> Julila Hemphill	___	___
<b>Councillor</b> Krystal Lévesque	___	___
<b>Mayor</b> Beverly Nantel	___	___

Declaration of Pecuniary Interest and General Nature Thereof: