

THE CORPORATION OF THE TOWNSHIP OF NIPISSING

BY-LAW NUMBER 2020-51

A By-Law to repeal and replace By-Law #1134 as amended, being a By-Law to establish and maintain a policy concerning the procurement of goods and services.

SHORT TITLE – This By-Law may be cited as the “Procurement By-Law”.

WHEREAS the *Municipal Act 2001*, S.O., Section 270.(1)3 requires all municipalities to establish and maintain a policy concerning the procurement of goods and services;

AND WHEREAS the Corporation of the Township of Nipissing is committed to ensuring its procurement decisions are fair, open and transparent;

AND WHEREAS purchases made by the Township of Nipissing should reflect best value for the taxpayer, protect the Corporation’s financial interests and encourage competitive bidding;

AND WHEREAS the Corporation of the Township of Nipissing must be prepared to manage extraordinary circumstances from time to time, and that such circumstances may require immediate procurement decisions that are necessary to prevent or alleviate serious delay, a threat to public health, safety or welfare, the disruption of essential services or damage to public property or to respond to any emergency of the Corporation or as required under the provincial Emergency Management and Civil Protection Act (as amended);

AND WHEREAS effective planning, monitoring and control of public sector procurement are essential for maintaining public trust and confidence;

NOW THEREFORE the Council of the Corporation of the Township of Nipissing hereby enacts as follows:

Part 1 PURPOSES, GOALS AND OBJECTIVES

- 1.1 The purposes, goals, and objectives of this By-law, and of each of the methods of procurement authorized herein are:
- a) To encourage competitive bidding.
 - b) To ensure fairness and objectivity amongst bidders during the procurement process.
 - c) To the extent possible, ensure openness, accountability and transparency while protecting the financial best interests of the Corporation and those of the Corporation’s employees and elected officials.
 - d) To obtain the best value for the Corporation when procuring goods and service(s) and construction.
 - e) To avoid conflicts between the interests of the Corporation and those of the Corporation’s employees and members of Council.
 - f) To encourage the procurement of goods, services and construction with due regard to the preservation of a natural environment. To this end, a supplier may be selected to supply goods made by methods resulting in the least damage to the environment and supply goods incorporating recycled materials where practicable.
 - g) To support effective business planning such that goods, services and construction will only be acquired after consideration of need, alternatives, timing and appropriate life cycle management issues.
 - h) To promote, and incorporate, whenever possible, the requirements of the *Ontarians with Disabilities Act, 2001* (ODA), the *Accessibility for Ontarians with Disabilities Act, 2005* (AODA), and specifically, Ontario Regulation 429-07 and Ontario Regulation 191-11 made under the *Accessibility for Ontarians with Disabilities Act, 2005* in procurement activities of the Corporation. Considerations shall be made for the aforementioned legislation, as well as any requirements contained in other legislation (either provincial or federal) which may impact the procurement activities of the Corporation.

**PART 2
APPLICATION OF BY-LAW**

- 2.1 This By-law shall apply to staff in all departments of the Corporation.
- 2.2 No purchase for goods, service(s), construction or disposal of personal property and real property shall be authorized unless it is in compliance with this Procurement By-law.
- 2.3 The open and competitive purchasing procedures set out in this By-law shall not apply to the purchase of those services set out in Schedule "A" attached, provided that the total cost of the purchase does not exceed the amount approved for such expenditures.
- 2.4 No contract for goods, service(s) or construction shall be structured in such a manner so as to circumvent any intent and/or thresholds of this By-law.
- 2.5 Any procurement undertaken or requested by an individual must be of an aggregate value that is within their authorization limit and, should the value exceed their limit, the procurement must have prior authorization of their supervisor that would have an authorization limit that would meet or exceed the aggregate value of the procurement.
- 2.6 No goods and/or services shall be purchased from an employee of the Corporation, or any associate or family member of an employee, unless the extent of the interest of such individual has been fully disclosed to the Treasurer and the purchase has been subsequently approved by the CAO.
- 2.7 No staff member or member of Council shall personally obtain any real or personal property that has been declared surplus, unless it is obtained through a public process.
- 2.8 No employee or Council member shall purchase, on behalf of the Corporation, any goods, service(s) or construction, except in accordance with this By-law.
- 2.9 All procurement undertaken by the Corporation shall be in accordance with the Corporation's code of conduct, policies and procedures manual and in accordance with the *Municipal Conflict of Interest Act*, R.S.O. 1990, c.M.50.

**Part 3
DEFINITIONS**

- 3.1 Definitions in this By-Law:
 - a) "Acting" means the formal delegation of approval by the person in the position of authority to the person acting in that role on a temporary basis.
 - b) "Authority" or "Authorized" means the legal right to conduct the tasks outlined in this By-law as directed by Council and delegated through the CAO to the Department Head. Authorized purchases are those that have prior approval of Council either through resolution or through the departmental budgets.
 - c) "Award or Acceptance" means authorization to proceed with the purchase for goods, service(s) or construction from one or more selected supplier(s)/contractor(s).
 - d) "Agreement" means a binding contract between the Township and one or more parties, which has been duly authorised and executed in accordance with this By-law and other applicable legislations.
 - e) "Alternative Dispute Resolution" or ADR is the procedure to resolve disputes during the request or bidding process.

- f) "Approval" means the act of approving in accordance with delegated authorities.
- g) "Best Value" means the optimal balance of performance and cost determined in accordance with pre-defined evaluation criteria. Best value may include a time horizon that reflects the overall life cycle of a given asset.
- h) "Bid" means an offer or submission from a bidder/proponent or Offeror in response to a call for bid and in accordance with the terms and conditions of the Corporation's bid documents.
- i) "Bid Irregularity" means a deviation from the requirements of a call for bid, as set out in Schedule "B", Chart of Bid Irregularities.
- j) "Bidder" means one who submits a response to a call for bid.
- k) "Bid Deposit" means a sum of money or a bond issued by a surety (as per the Instructions to bidders in the call for bid) and submitted with the bid, guaranteeing the bidder will not withdraw the bid for a specified period of time, will furnish bonds or letter of credit as required, and will accept the contract, if awarded, or forfeit the deposit.
- l) "Bid Solicitation" means a formal competitive procurement process, such as a Request for Quotation, Proposal or Tender.
- m) "CAO" means the Chief Administrative Officer of the Corporation of the Township of Nipissing or designate.
- n) "Contract" means a written, legal, bilateral and binding agreement or contract, signed by both parties, for the supply of goods, services or construction in return for money or other consideration.
- o) "Contractor" means the person having a contract with the Corporation to furnish goods, service(s) or construction for agreed upon price(s).
- p) "Construction" means the process of utilizing labour to build, alter, repair, improve or demolish any structure, building or public improvement, generally does not apply to routine maintenance, repair or operations of existing real property.
- q) "Consulting Services" means services provided by architects, engineers, designers, surveyors, geo-technical consultants, planners, software consultants, and any other similar services rendered on behalf of the Corporation.
- r) "Corporation" means the Corporation of the Township of Nipissing.
- s) "Council" means the Council of the Corporation.
- t) "Department" means a department of the Corporation.
- u) "Department Head" means the Operations Superintendent, Fire Chief, Clerk or respective designate, of the Corporation who is responsible for a specific department.

- v) "Designate" means a person authorized by the CAO or Department Head to act on his/her behalf, for the purpose of this By-Law.
- w) "Evaluation Criteria" means the criteria to be used in Request for Proposals to determine which respondents proposal best meets the Township's needs, and can include but not limited to, company background, project team and manager, related experience, availability for duration of works, comprehension, understanding and approach to works, planning and resources, innovation, schedule of fees, quality of service, compatibility, product reliability, operating efficiency/costs, and other factors deemed appropriate.
- x) "Extraordinary Circumstance (Emergency) Purchases" means an event or circumstance where the immediate purchase for goods or service(s) or the entering into of a construction contract is essential or necessary to prevent or alleviate serious delay, a threat to public health, safety or welfare, the disruption of essential services or damage to public property or any other expenditure that is necessary to respond to any emergency of the Corporation or as required under the provincial *Emergency Management and Civil Protection Act* (as amended).
- y) "Goods" means moveable property including the costs of installing, operating, maintaining, or manufacturing such moveable property, and any necessary raw materials, products, supplies, equipment and other physical objects of every kind and description whether in solid, liquid, gaseous or electronic form, unless they are procured as part of a construction contract.
- z) "Low Cost Purchase" (LCP) means a purchase for goods, service(s) or construction, as per the thresholds stated in Schedule "C" of this By-law (excluding taxes) and, is not included as part of an existing supply agreement or available through the Corporation's existing materials inventory.
- aa) "Lowest Compliant Bid" means the bid of a responsive and responsible bidder who fully complied with all of the call for bid requirements and whose past performance, reputation and financial capability is deemed acceptable and has offered the most advantageous pricing or cost benefit based on the criteria stipulated in the call for bid.
- bb) "Offeror" means a person or company that makes an offer in response to a sale of personal or real property.
- cc) "Privilege Clause" means the Corporation may not accept the lowest or any submission for award.
- dd) "Procurement" means purchasing, renting, leasing or otherwise acquiring any goods, service(s) or construction; includes all functions that pertain to the acquisition, including the description of requirements, selection and solicitation of sources, preparation and award of contract and all phases of contract administration.
- ee) "Proponent" means one who submits a response to a request for proposal (RFP).
- ff) "Proposal" means the submission received or the response to a request for proposal (RFP).
- gg) "Request for Proposal" (RFP) means the request for proposals from proponents for goods, service(s) or construction and is generally based on providing a solution to objectives stated within applicable terms of reference. The request document must clearly state the evaluation

criteria and weighting and price may not be the primary evaluation factor and subsequent award recommendation.

- hh) "Request for Quotation" (RFQ) means a request for quotation for the provision of goods, service(s) or construction to the Corporation based on defined requirements and where a clear solution exists.
- ii) "Request for Tender" (RFT) means a request for tenders for the provisions for goods, service(s) or construction to the Corporation, based on defined requirements and where a clear solution exists.
- jj) "Responsible Bidder or Proponent or Offeror" means a bidder/proponent/offeror, as the context requires, that is fully capable and qualified to meet all the requirements of the call for bid, or other process, and shall be duly authorized to enter into a subsequent contract agreement on behalf of the named submitter, as may be applicable. Such bidder/proponent/offeror shall possess the capacity and ability, including financial and technical, to perform as contractually required and, shall be able to provide credible and acceptable documented evidence to ensure good faith performance.
- kk) "Respondent" means one who submits a response to a request for a submission.
- ll) "Responsive Bidder or Proponent or Offeror" means a bidder/proponent/offeror who has submitted a responsive bid/proposal/offer to a call for bid, or other such process, that fully conforms in all material respects of the call for bid and all of its requirements, including all form and substance.
- mm) "Service" means the furnishing of labour, time or effort by a contractor/supplier, which may involve to a lesser degree, the delivery or supply of products.
- nn) "Single Source" means a procurement decision whereby purchases for goods, service(s) or construction are directed to one source, where other sources may be available.
- oo) "Sole Source" means there is only one source of supply as a result of a patent or copyright.
- pp) "Supplier" means the person actually performing service(s) or manufacturing, producing, or providing goods to the Corporation.
- qq) "Tie Bid" means two or more compliant bids/proposals/offers goods, service(s) or construction that is equal in all respects including price.
- rr) "Total Acquisition Cost" means the aggregate cost of a single purchase award transaction, or purchase order award amount and, includes the extended amount of the unit value, including any ongoing relevant service charges, fees, etc. applicable to the purchase, all applicable taxes, freight, duty, licensing and other related costs, less any applicable rebates or discounts.
- ss) "Two Envelope Process" means a Request for Proposal where the proposal details and price information are submitted in separate envelopes within the submission package and designed to permit review and evaluation of proposal content without the knowledge or influence of price.

PART 4 INTERPRETATION

- 4.1 That words imparting the singular number or the masculine gender only include more persons, parties or things of the same kind than one, and females as well as males and the reverse.
- 4.2 That a word interpreted in the singular number has corresponding meaning when used in the plural.
- 4.3 That the dollar values stated are in terms of Total Acquisition Cost excluding applicable taxes.
- 4.4 That the headings contained in this By-law are for reference only.
- 4.5 That Schedule "A" – Purchasing Exemptions is incorporated into this By-law.
- 4.6 That Schedule "B" – Chart of Bid Irregularities is incorporated into this By-law.
- 4.7 That Schedule "C" – Thresholds of Procurement is incorporated into this By-law.
- 4.8 That Schedule "D" – Statement of Ethics for Public Purchasers is incorporated into this By-law.

PART 5 RESPONSIBILITIES AND AUTHORITIES

- 5.1 The CAO-Clerk is responsible for ensuring adherence to the Procurement By-law, submitting recommendations to Council for approval, and providing additional restrictions concerning procurement where such action is considered necessary and in the best interest of the Corporation.
- 5.2 Prescribed Council approval is required for:
 - a. Any contract requiring approval from the Ontario Municipal Board;
 - b. Any contract prescribed by statute to be made by Council;
 - c. Any contract that required debt financing;
 - d. Any contract prescribed by a court order;
 - e. Where the Procurement By-Law is being waived;
 - f. Where Council has expressly directed staff to report prior to the award;
 - g. Where authority to approve has not been expressly delegated.

PART 6 PROCUREMENT PROCESS

- 6.1 Where applicable, each of the prescribed procurement methods shall be undertaken in compliance with the following requirements:
 - i. Each call for bid shall be conducted in a fair, open, equitable, consistent and professional manner.
 - ii. The scope of the goods, service(s) or construction shall be clearly and comprehensively defined by the call for bid document.
 - iii. The form of call for bid document shall be, to the extent possible, standardized using common forms and processes.
 - iv. The call for bid document shall be publicly advertised in accordance with Schedule "C" to maximize the response potential to the call for bid.
 - v. The evaluation criteria and weighting for Proposals shall be identified in the Request For Proposal document and shall be evaluated based on that criteria using the established rating system.
 - vi. All calls for bid documents shall clearly set out the requirements for the price element of the submission, specifying whether the bid price is submitted on a unit price or total price basis and, whether it is net of any taxes, import duties, customs clearance fees, administrative costs, contingencies or other deductions or additions and how any contract extras shall be dealt with.

- vii. All bids received by the Corporation shall be deposited in a secure location until opened and recorded.
- viii. All bids shall be thoroughly reviewed and/or evaluated using an open, fair, consistent and transparent process.

6.2 Schedule "B" to this By-law establishes the action that will be taken if a bid irregularity exists.

PART 7 SPECIFICATIONS

- 7.1 The following requirements shall be followed in the preparation of the Specifications:
- a. Specifications should be clear and concise, however must not be structured to restrict or limit competition due to brand or other specific requirements and allow potential vendors to provide alternatives in the event an equivalent product or method is available to maintain a competitive procurement process. Biasing of specifications in favour of, or against, a particular good or service is prohibited; with the exception of unique situations, such as standardization or compatibility with existing systems. The reasons for specifying a brand shall be included in the bid document.
 - b. Vendors may be requested to expend time, money or effort on the content or in the development of Specifications or otherwise help define a requirement to be contained in the Specifications or Bid Document. A vendor who provides such assistance shall be deemed a consultant of the Township, and shall be unable to submit a Bid for which the Specifications apply unless exemption is requested and submitted prior to the issuance of the Bid Document and written approval is given by the CAO.
- 7.2 REQUIREMENT FOR APPROVED FUNDS
- a. The authority to procure goods and services or award a contract is subject to the identification and availability of sufficient funds in appropriate accounts within Council's approved budget. The CAO shall reject all purchase requests for purchases or contracts for which sufficient funds are not available and identified unless, in the opinion of the CAO, the deficiency is minimal and alternative funding has been identified.

PART 8 STANDARD PROCUREMENT METHODS

- 8.1 The method of procurement for goods, service(s) and construction shall be in accordance with the methods described in this section as recommended by the CAO and shall be advertised, reported, approved and the contract executed in accordance with Schedule "C" of this By-law.
- 8.1.1 LOW COST PURCHASE (LCP)
A Low Cost Purchase (LCP) shall be conducted for the procurement of goods, service(s) or construction, not covered under an existing contract or supply agreement and, having a purchase value up to the limit as stated in Schedule "C" of this By-law. These purchases may be made utilizing a corporate credit account or a purchase card and shall be within the regular budget of the Township.
- 8.1.2. REQUEST FOR QUOTATION (RFQ)
A request for quotation (RFQ) shall be conducted for the procurement of goods, service(s) or construction having an estimated awards value as stated in Schedule "C" of this By-law. A written specification and price schedule shall be utilized to solicit bids from a minimum of three (3) bidders. The award is expected to be awarded to the lowest compliant Bidder. The call for bid may be sent directly to vendors and shall be posted publicly on the Township website allowing for open bidding opportunities. Bids will be accepted in one or more of the following formats, as set out in the call for bid:
- a. Electronically (facsimile and/or email and/or internet); or
 - b. Formal sealed bid.

Final acceptance of Quotations may be by CAO up to \$10,000 and the procurement is within a line item of a budget estimate approved by Council prior to the purchase.

8.1.3. REQUEST FOR PROPOSAL (RFP)

This method of procurement of goods, service(s), or construction shall be used for obtaining competitive proposals in situations where the requirement cannot be expressly stated or defined and where a solution is requested based on clear terms of reference and, where any of the following apply:

- a. The selection of the successful proponent depends upon the effectiveness of the proposed solution based on several stated criteria as opposed to the price alone;
- b. A possibility exists where negotiation with one or more proponents may be required with respect to any aspect of the contract;
- c. The precise goods, service(s) or construction, or the specifications therefore are not known or are not definable and it is expected that the proponent will further define them; and
- d. The services required are Consulting Services.
- e. It is intended that the highest scoring compliant respondent is awarded the contract.

Final acceptance of Proposals must be by Resolution of Council.

8.1.4. REQUEST FOR TENDER (RFT) – PURCHASES EXCEEDING \$10,000

A request for tender (RFT) shall be conducted for the procurement of goods, service(s) or construction having a total award value as stated in Schedule “C” of this By-law. The award must be to the lowest compliant Bidder(s). A request for tender (RFT) shall be used where all of the following criteria apply:

- a. A Contract Agreement shall be used to bind the parties to the award;
- b. A Performance Deposit is a requirement of the award to ensure the protection of the Corporation’s interests;
- c. Two or more sources are considered capable of supplying the goods, service(s) or construction;
- d. The goods, service(s) or construction is adequately and generically defined to permit the comparison of bids against clearly stated criteria and/or specifications;
- e. The market conditions are such that bids can be submitted on a competitive pricing basis; and
- f. It is intended that the lowest priced compliant tender will be accepted without negotiation.

A written document containing the relevant information such as the specifications, provisions, plans, and supplemental general conditions shall be created. Notice of the call for bid shall be conducted by public advertising on the Township website, local newspaper and/or trades publication when practicable.

Formal sealed bids shall be received and prior to staff review, the bid envelope shall be publicly opened and the unofficial total(s) of each bid shall be read out at the specified date and time of opening. All bid amounts shall be recorded on a summary of bidders’ sheet.

Final acceptance of Tenders must be by Resolution of Council.

8.1.5. TWO ENVELOPE REQUEST FOR PROPOSAL

The CAO will have the discretion to determine where a “Two Step” proposal method shall be made a requirement of the Request for Proposal process, in the interest of the proponents and/or to protect the integrity of the evaluation team members. The process consists of two stages described as follows:

- a) Step 1 consists of a request for technical call for proposal, evaluations and discussion without pricing requirements and the selection of responsive and responsible proponent(s)/offeror(s) whose requirements are considered most acceptable; and

- b) Step 2 consists of reviewing sealed proposal prices from only those proponent(s)/offeror(s) whose technical requirements have been rated most acceptable.

PART 9 SOLE SOURCE PROCUREMENT

- 9.1 A sole source purchase may be conducted for the procurement of goods, service(s) or construction of any contract value without the competitive bid process, when any of the following circumstances apply:
 - 9.1.1 One supplier/contractor possessing the unique ability or capability to meet the requirements of the Corporation due to a patent, sales/distributor agreement or copyright;
 - 9.1.2 Service is obtained from a public utility;
 - 9.1.3 Where goods are offered for sale to the Corporation by bid, auction or negotiation, such purchase will be deemed to be a sole source purchase and the CAO may authorize the submission of a bid or the conduct of negotiations where they determine the purchase to be clearly in the best interest of the Corporation.
- 9.2 A sole source purchase shall be facilitated by the Township and shall be in compliance with Schedule "C" of this By-law.
- 9.3 Pre-Qualified, single source suppliers shall be included in Schedule "C".

PART 10 EXTRAORDINARY CIRCUMSTANCE (EMERGENCY) PURCHASES

- 10.1 Notwithstanding the provisions of this By-law, an emergency purchase shall be made, when an event occurs that is determined by the Department Head in consultation with the CAO, to be a threat to any of the following:
 - 10.1.1 Public health and/or safety;
 - 10.1.2 The maintenance of essential corporate services or to prevent the disruption of essential corporate services;
 - 10.1.3 The welfare of persons or of public property; or
 - 10.1.4 The security of the Corporation's interests and the occurrence requires the immediate delivery of goods, service(s) or construction and time does not permit for competitive bids.
- 10.2 A Department Head shall obtain approval of the CAO for the purchase and, shall secure any goods, service(s) or construction required; in an efficient, expeditious manner that is in the best interest of the Corporation. Council shall be informed of the expenditure at the next regular Council meeting or by special communication at the discretion of the CAO.

PART 11 CONTRACT EXECUTION

- 11.1 Successful bidder(s)/proponent(s) may be required to execute a contract agreement with the Corporation which shall include but, not be limited to, the following items for performance of a contract: contract security, Insurance, Workplace Safety and Insurance Board (WSIB) compliance, the supplier/contractor's Health & Safety Policy and Procedures, project schedule, accrediting credentials and any other relevant documentation as may be warranted and requested at the discretion of the Corporation.

PART 12
ALTERNATIVE DISPUTE RESOLUTION

- 12.1 All vendors dealing with the Township of Nipissing or bidding on potential contracts with the Township shall resolve any and all disputes they have specific to the competitive process through Alternate Dispute Resolution (“ADR”) described below, and agree to this as part of any response to a request, or through their acceptance of a Township order, unless otherwise stated in the procurement document.
- 12.2 The award of any contract shall not be rescinded nor the progress of any project be delayed by a request for use of the Alternative Dispute Resolution Process, unless recommended by the involved Department Head and/or the CAO.
- 12.3 In summary, any bidder who has asked to participate in the ADR process will be provided with information designed to assist them to both understand the bid process and the decisions of the Township. Where the bidder deems the information is not satisfactory and wishes to pursue further, the bidder may request mediation and/or arbitration in an effort to bring closure to their concern(s).
- 12.4 For those bidders who fail to meet the timelines for ADR participation as noted below, the CAO may allow, a bidder debriefing opportunity where the reasons for non-award will be reviewed. This will end the process.
Note: Any information provided to a bidder through this process and/or any information provided by the bidder to the Corporation will remain confidential wherever requested.
- 12.5 The procedure to be followed for the ADR process is as follows:
- 12.5.1 A written request must be received by the CAO within seven (7) days of the published award decision. Within fourteen (14) days of this request, or such later date as may be mutually agreed upon, a debriefing will take place with the CAO and appropriate Department Head and up to 2 representatives from the bidder. Only the details of the bidder’s submission will be discussed at this meeting.
- 12.5.2 Should the bidder continue to have concerns following the meeting described above, that bidder may request in writing within seven (7) days of the first meeting an award debriefing session with the CAO and appropriate Department Head and up to 2 representatives from the vendor. This meeting shall take place within fourteen (14) days of the request described above, or such later date as may be mutually agreed upon.
- 12.5.3 Should the concerns not be resolved following the meeting process described above, Council shall be informed of the ongoing concerns and a mediator or arbitrator may be selected to assist in trying to resolve any outstanding issues between the parties. This mediator shall not have the authority to make a binding decision, but shall make their best efforts to assist the parties to reach a mutually acceptable solution. Any resolution reached through the mediation or arbitration process shall remain confidential if requested by either of the parties.

PART 13
ACCESS TO INFORMATION

- 13.1 The disclosure of information received relevant to the issue of call for bids or the award of contracts shall be made available in accordance with the provisions of the Municipal Freedom of Information and Protection of Privacy Act, as amended.

READ A FIRST, SECOND AND THIRD TIME THIS 5TH DAY OF JANUARY, 2021.

Tom Piper, Mayor

Charles Barton, CAO-Clerk

SCHEDULE "A" TO BY-LAW 2020-51

PURCHASING EXEMPTIONS

The acquisition methods described in this By-law do not apply to the following items:

1. Training and Education
 - a. Conferences, conventions, courses and seminars
 - b. Magazines, books and periodicals
 - c. Memberships
2. General Expenses
 - a. Payroll Deduction Remittances such as income tax, Employment Insurance Premiums, Employer Health Tax
 - b. Workers Safety Insurance Board payments
 - c. Group benefits and OMERS
 - d. Insurance premiums
 - e. Charges to and from other government bodies
 - f. Payments for employment
 - g. Postage
3. Professional and Special Services
 - a. Legal fees for expert or professional legal services for all Corporation and Insurance matters
 - b. Planning fees
 - c. MPAC as approved in annual budgets
4. Committee Fees
 - a. Honorariums
5. Utilities (monthly charges)
 - a. Hydro
 - b. Telephone services, including cellular
6. Federal/Provincial/Municipal Mandated Programs and Payments
7. Property Tax payments to School Boards
8. Refunds
 - a. Property Tax refunds
 - b. Building permit refunds

SCHEDULE "B" TO BY-LAW 2020-51

CHART OF BID IRREGULARITIES

Any other bid irregularities shall be forwarded to the CAO for determination.

BID IRREGULARITIES

Notes:	
I)	The following list of irregularities should not be considered all-inclusive. The CAO and, as may be warranted, in consultation with any, or a selection of the following, respective department staff, Department Head(s) and/or the Corporation's Solicitor, shall review irregularities not specifically listed and, acting in the best interests of the Corporation, shall have authority to waive such irregularities, permit correction to the irregularity or, reject the submission as may be appropriate.
II)	This Bid Irregularity List shall apply only where the irregularity exists with respect to a stated requirement of a relevant quotation, proposal, and tender or otherwise referenced competitive bid document issued by the Corporation.
III)	Where a submitter has been given notice of a specified time period after notification for which to correct an irregularity, should the submitter fail to effect the correction by the stipulated date and time, then the submitter shall be deemed to be in default of the process and, where applicable, the bid deposit shall be forfeited. The submission will be given no further consideration for award.

ITEM	IRREGULARITY	RESPONSE
<u>GENERAL</u>		
1.	Late submissions.	Rejection, not opened and read publicly. Submission to be returned to submitter. Should it not be clear as to the submitter's name and address then, the package will be opened solely to access this information.
2.	Unsealed Submission Package.	Rejection.
3.	Submission not completed in a non-erasable medium and/or signed in ink.	Rejection.
4.	Failure to include the form of Tender, Quotation, Proposal as may be applicable, for inclusion with the submission.	Rejection.
5.	Incomplete or partial price details where, all items are mandatory to be bid.	Rejection.
6.	Forms that compose the submission documents are not completed in their entirety.	Rejection unless, in the opinion of the CAO, the missing information is minor and would not adversely affect an award decision.
7.	More than one submission from the same submitter and, not identified as an alternative or optional submission or, no written withdrawal notice has been received.	The submission package bearing the most recent date/time stamp will be considered the intended submission and the previously date/time stamped submissions will be considered withdrawn and, returned to the submitter.
8.	Bids containing minor, obvious clerical errors that do not result in any ambiguity with respect to the overall submission and/or award decision.	Two business days to correct and initial.

9.	Un-initialled changes to the submission.	Two business days to initial changes. The Corporation reserves the right to waive the initialing requirement and accept the submission as correct.
10.	Authority to bind the Corporation or signature missing.	Rejection.
11.	Other Irregularities.	The CAO shall have authority to waive irregularities, which are minor, other irregularities will be reviewed on a case by case basis.
12.	Any Irregularity.	Despite the provisions herein contained, Council may waive any irregularity where it considers it to be in the best interest of the Municipality.
<u>PRICING</u>		
13.	Unit price extension which is not consistent with the unit prices.	The Corporation will update the extended price based on the stated unit price.
14.	Where an error has been made transferring an amount from one part of the submission to another.	The Corporation will update the amount shown before transfer, subject to any corrections noted in foregoing irregularities and the ensuing totals corrected accordingly.
15.	Pricing appears to be unbalanced to the extent that it would have a significant adverse affect to the Corporation if awarded.	Rejection.
<u>BID DEPOSIT</u>		
16.	Bid Deposit not submitted with bid.	Rejection.
17.	Bid Deposit not in the acceptable form.	Rejection.
18.	Bid Deposit amount is insufficient.	Rejection.
<u>STATUTORY DECLARATION</u>		
19.	Statutory Declaration not submitted with bid.	Rejection.
20.	Statutory Declaration not in the form specified.	Rejection.
<u>POST AWARD NOTIFICATION</u>		
21.	Failure to provide supporting document, as specified within the bid document and within the prescribed period. Including proof of insurance, WSIB clearance.	Rejection and Bid Deposit forfeiture.

SCHEDULE "C" TO BY-LAW 2020-51

THRESHOLDS OF PROCUREMENT

LOW COST PURCHASE (LCP)

Purchases made by Department Heads up to \$5,000.00, purchases made by the CAO up to \$10,000.00.
Competitive bids at the discretion of the CAO.
Advertising is discretionary.
Purchases must be within the adopted, regular budget.

REQUEST FOR QUOTATION (RFQ)

Formal competitive bid process which shall solicit bids from a minimum of three (3) bidders.
Advertising shall be on the Municipality's website and may be circulated directly to vendors.
Request for quotation for the procurement of goods up to \$10,000.00 may be approved by the CAO if the procurement is within the adopted, regular budget.
Request for quotation for the procurement of goods over \$10,000.00 or not within the adopted, regular budget, shall be by resolution of Council.

REQUEST FOR PROPOSAL (RFP)

Formal competitive bid process which will rely on a proposed solution based on stated criteria as well as pricing.
Advertising shall be on the Municipality's website and by circulating directly to vendors.
Final acceptance of Proposals must be by resolution of Council.

REQUEST FOR TENDER (RFT)

For purchases exceeding \$10,000.00, a formal competitive bid process.
The accepted bid will result in a contract agreement.
Advertising shall be on the Municipality's website and by circulating directly to vendors.
Formal sealed bids shall be submitted as directed and reviewed by staff, opening of bids shall be open to the public.
Final acceptance of Tenders must be by resolution of Council.

SOLE SOURCE PROCUREMENT

Pre-qualified list of suppliers:

1. E.S. Hubbell for the purchase of culvert supplies. Up to \$20,000.00 annually.
2. North Element for the purchase of road salt. Up to \$15,000.00 annually.
3. Sittler Grinding for on-site landfill grinding service. Up to \$20,000.00 annually.

SCHEDULE "D" TO BY-LAW 2020-51

STATEMENT OF ETHICS FOR PUBLIC PURCHASES

Statement of Ethics for Procurement

Goal: To ensure ethical, professional and accountable procurement.

All staff authorized to purchase Goods, Services and/or Construction on behalf of the Corporation shall, at minimum, adhere to the following principles.

- a) **Open and Honest Dealings with Everyone who is involved in the Procurement Process.** Procurement activities must be open and accountable. This includes all businesses with which this Corporation contracts or from which it purchases Goods, Services and/or Construction, as well as all members of our staff and of the public who utilize the services of the Corporation.
- b) **Fair and Impartial Award Recommendations for All Contracts and Tenders.** Contracting and Procurement activities must be fair, transparent and conducted with a view to obtaining the best value for public money. This means that we do not extend preferential treatment to any vendor, including local companies. Not only is it against the law, it is not good business practice, since it limits fair and open competition for all vendors and is therefore a detriment to obtaining the best possible value for each tax dollar.
- c) **An Irreproachable Standard of Personal Integrity on the Part of All Those Designated as Procurement Representatives for This Corporation.** Individuals involved with procurement activities must act, and be seen to act, with integrity and professionalism. Honesty, care and due diligence must be integral to all procurement activities within and between the organization, suppliers and other stakeholders. Respect must be demonstrated for each other and for the environment. Confidential information must be safeguarded. Participants must not engage in any activity that may create, or appear to create, a conflict of interest, such as accepting gifts or favours, providing preferential treatment, or publicly endorsing suppliers or products.