

THE CORPORATION OF THE TOWNSHIP OF WOLLASTON

BY-LAW NO. 8-2022

BEING A BY-LAW TO DEFINE THE PURCHASING POLICIES, PRACTICES, AND PROCEDURES OF GOODS AND SERVICES BY THE TOWNSHIP OF WOLLASTON AND SHALL BE KNOWN AS THE "PROCUREMENT BY-LAW"

WHEREAS the **Municipal Act, 2001, SO 2001.c. 25** Part VI, s. 270 (1) states that a Township and local board shall adopt policies with respect to its purchasing of goods and services;

NOW THEREFORE BE IT RESOLVED the Council of the Corporation of the Township of Wollaston enacts as follows:

1. In this by-law;

Definitions

- 1.1 **"Acquisition"** is the process for obtaining goods and/or services for use, whether on a permanent or on a temporary basis.
- 1.2 **"Agreement"** means a consensus of two or more persons or parties in respect of anything done or to be done.
- 1.3 **"Approval"** is the specific authorization to proceed with the purchase or lease of specific goods and/or services.
- 1.4 **"Bid"** means an offer or submission from a supplier in response to a bid solicitation which may be in the form of an oral or written quotation, a short form or public tender or a request for proposal.
- 1.5 **"Bid Deposit"** A bid bond or a security deposit given by a bidder to the Township of Wollaston to guarantee entry into a contract if the contract is awarded to that bidder.
- 1.6 **"Bid Solicitation"** means a formal request for bids that may be in the form of a Request for Tender, Request for Quotation, or Request for Proposal.
- 1.7 **"Blanket Purchase Order"** means a purchase order that outlines an ongoing agreement arranged between the Township and a bidder to deliver goods or services at a predetermined price and on a recurring basis for a specified time period.
- 1.8 **"Centralized Coordination for Standardization"** means policies and procedures maintained and monitored in one area to ensure consistent practices are followed throughout the organization.

- 1.9 **“Clerk-Administrator”** means the Clerk-Administrator or designate of the Township of Wollaston.
- 1.10 **“Conflict of Interest”** means:
1. A situation or circumstance, real or perceived, that could give a Supplier or potential Supplier an unfair advantage or disadvantage in Procurement;
 2. A situation where a person, business, or other interest of an elected or appointed official, officer or employee of the Township is or can be reasonably be perceived to be, in conflict with the interests of the Township , and includes, but is not limited to:
 - i. The giving or receiving of a direct or indirect personal gain or benefit, or a direct or indirect advantage or privilege, by any Supplier providing Goods, Services or Construction to the Township;
 - ii. A direct or indirect interest in any business that in any interest that provides Goods, Services or Construction to the Township;
 - iii. A conflict of interest as defined in the **Municipal Conflict of Interest Act**, 1990.
- Municipal Corporation of the Township of Wollaston
 - Agencies, Commissions, Boards and Committees of the Corporation of the Township of Wollaston.
- 1.11 **“Contract”** means any formal legal agreement between two or more persons or parties for goods and/or services.
- 1.12 **“Co-operative Purchasing”** means the participation of two or more public agencies in purchasing.
- 1.13 **“Corporation”** means the Corporation of the Township of Wollaston.
- 1.14 **“Council” or “Township Council”** means the Council of the Corporation of the Township of Wollaston.
- 1.15 **“Department Head”** means the head of a department, agency, commission, board, or committee of the Township of Wollaston who has been specified in writing by the Clerk-Administrator as an approval authority under this By-Law.

- 1.16 **“Designate”** means a person authorized to act on behalf of another person during their absence.
- 1.17 **“Emergency”** means a situation or an impending situation that constitutes a danger of major proportions that could result in serious harm or substantial damage to Township property or hamper the Township’s operation.
- 1.18 **“Goods”** shall include articles, commodities, equipment, goods, materials or supplies of every kind.
- 1.19 **“In-House Bids”** means a bid prepared by internal staff to compete to supply goods and services which are normally provided by external suppliers.
- 1.20 **“Internal Controls”** means coordinated methods and measures in an organization which are designed to endorse efficiency; monitor observance to Township policies and procedures; check the accuracy and validity of data; and to safeguard assets.
- 1.21 **“Professional and Consulting Services”** includes services of architects, engineers, designers, surveyors, real estate appraisers, management and financial consultants, brokers, lawyers, accountants, auditors, and any other professional and consulting services required by the Township.
- 1.22 **“Project”** means the construction, repair, or demolition of any improvement in or on real property, including all costs normally associated therewith or any other work or undertaking.
- 1.23 **“Proponent”** means an individual, a corporation, partnership, joint venture, association that submits or has submitted a response.
- 1.24 **“Proposal”** means an offer, submitted in response to a request from the Township, which constitutes a solution to a problem, requirement or objective in the request.
- 1.25 **“Purchase”** means the buying process within the procurement cycle.
- 1.26 **“Qualified Bidder”** refers to a competent and authorized bidder accredited by the Township of Wollaston.
- 1.27 **“Qualified Supplier(s)”** refers to a plausible source who has been identified as a competent supplier from which a department can obtain firm quotations on specific requirements.
- 1.28 **“Quotation”** means a bid submitted in response to a Request for Quotation from the Township.

- 1.29 **“Services”** may include, but are not limited to, telephone, gas, water, hydro, janitorial and cleaning services, consultant services, legal services, medical services, insurance, and the rental, repair or maintenance of equipment, machinery or other personal property.
- 1.30 **“Sole Sourcing”** means the purchasing of a good or service that is unique to a particular supplier and cannot be obtained from another source.
- 1.31 **“Supplier”** means any individual or organization providing goods or services to the Township of Wollaston.
- 1.32 **“Tender”** means a sealed proposal, bid or offer that is submitted in response to an Invitation to Tender, Request for Proposal, or Request for Quotation from a contracting authority.
- 1.33 **“Total Cost”** means the sum of all costs, including all contingencies excluding applicable taxes to be paid to a supplier for the purchase of goods and/or services or, in case of a lease or rental agreement, the total cost of lease or rental payments for the full term of the lease or rental agreement.
- 1.34 **“Township”** means the
- Municipal Corporation of the Township of Wollaston
 - Agencies, Commissions, Boards and Committees of the Corporation of the Township of Wollaston.
- 1.35 **“Treasurer”** means the Treasurer of the Township of Wollaston or designate or a Treasurer of an agency, commission, board or committee of the Township of Wollaston if authorized in writing by the Clerk-Administrator.
- 1.36 **“Unsolicited Proposal”** means an offer to supply goods and/or services to the Township which was not requested.
2. Council is responsible and has the authority for Procurement for the Township. Unless otherwise provided in accordance with this By-Law, Council has delegated this authority to the Clerk-Administrator who shall act for the Township of Wollaston, for the purchase of all goods and services and shall be responsible for providing all necessary advice and services required for such purchases in accordance with the method of purchase legislated by the By-Law and the Purchasing Policies.
3. This By-Law shall apply to the purchase of all goods and/or services made on behalf of the Corporation of the Township of Wollaston, and by any of the Corporation’s legally constituted Boards, Agencies, Commissions, and Committees.

4. No purchase of goods and/or services shall be authorized unless in compliance with this by-law and the purchasing policies contained herein.

5. **Purposes , Goals and Objectives**

The purposes, goals, and objectives of this By-law conjoined with the various methods of purchasing will:

- define authority and responsibility and to standardize approved practices.
- provide a central focus for developing expertise and offering advice to departments while maintaining common practices.
- promote open competition with suppliers.
- capitalize on savings for taxpayers.
- ensure that the Township is in compliance with the requirements of the **Municipal Act, 2001**, SO 2005, c. 25.
- In accordance with the requirements of the **Accessibility for Ontarians with Disabilities Act**, 2005, SO, c. 11, as amended, establish accessibility criteria in the Procurement process and consider accessibility and incorporate accessible design where possible.
- ensure service and product delivery, quality, efficiency and effectiveness.
- achieve the best value for the Township when purchasing goods and services.
- ensure equality among bidders/suppliers.
- ensure openness, accountability and transparency while protecting the financial best interests of the Township of Wollaston

6. **Ethical Conduct and Conflicts of Interest**

6.1 **Township's Conduct and Internal Conflicts of Interest**

- 6.1.1 The provisions of this By-law shall be followed for the Procurement of Goods, Services or Construction for the Township by its managers, employees, and agents.
- 6.1.2 All elected officials or employees of the Township shall declare any Conflicts of Interest to the Treasurer and shall not be involved in a Procurement where a real or perceived Conflict of Interest has been found or deemed to exist. Personal purchases (which are purchases by an employee or elected official of the Township, which are not for the benefit of the Township, but for the benefit and use of the requesting party) are prohibited. No employee or immediate family member (including spouse, children or any family member residing under the same roof) may submit a Bid in response to a Solicitation Document.
- 6.1.3 Municipal employees should review Municipal Policies and should ensure that all purchasing decisions and Procurement Projects are managed in accordance with this Policy and the highest standards of business ethics, as contained in the

Code of Purchasing Ethics, published by the National Institute of Government Purchasing and the Purchasing Management Association of Canada.

6.2 Suppliers' Conduct and External Conflicts of Interest

- 6.2.1 Procurement Projects must also be free of external conflicts of interest. All suppliers must be required to declare, as part of their Bid in a procurement process, that there are no conflicts of interest or provide details of any actual or apparent conflicts of interest. The Township must ensure that all procurement templates include appropriate conflict of interest language and declarations.
- 6.2.2 Where a supplier is retained to participate in the development of a Solicitation Document or the specifications for inclusion in a Solicitation Document, that supplier must not be allowed to submit a Bid or directly or indirectly participate in the submission of any Bid in response to that Solicitation Document. While this restriction shall be deemed to apply to all Municipal Procurement Projects, it should be disclosed in the initial procurement process by which the supplier is retained.
- 6.2.3 The Township expects its suppliers to act with integrity and the Township may refuse to do business with any supplier that:
- (a) has an actual or potential conflict of interest;
 - (b) has an unfair advantage in the procurement process; or
 - (c) has engaged in illegal or unethical bidding practices.
- 6.2.4 Illegal or unethical bidding practices include:
- (a) bid-rigging, price-fixing, bribery or collusion or other behaviours or practices prohibited by federal or provincial statutes;
 - (b) attempting to gain favour or advantage by offering gifts or incentives to Municipal officers and employees, members of Council or any other representative of the Township;
 - (c) lobbying members of Council or Municipal officers and employees or engaging in any prohibited communications during a procurement process;
 - (d) submitting inaccurate or misleading information in response to a procurement opportunity; and
 - (e) engaging in any other activity that compromises the Township's ability to run a fair procurement process.

7. Roles and Responsibilities

7.1 Separation of Roles and the Role of Council

- 7.1.1 In accordance with best practices in municipal procurement, Council recognizes the need for a clear separation of political and administrative functions in relation to the Township's procurement operations. It is the role of Council to establish policy and to approve expenditures through the Township's budget approval process. Through this Policy, Council delegates to the Township's officers and employees the authority to incur expenditures in accordance with approved budgets through the procurement of goods, services and construction in accordance with the rules and processes set out in this Policy.
- 7.1.2 To facilitate Council's oversight role in respect of significant projects, Council may require Departments to obtain Council's authority to initiate specific procurements by identifying procurement projects of interest, such as procurements that are of a high value or involve significant risk, security concerns or significant community interest.
- 7.1.3 To avoid the potential appearance of bias or political influence in procurement contract award decisions, members of Council will have no involvement in competitive procurement processes from the time those procurement processes have been initiated through the advertisement or issuance of the solicitation document until a contract has been entered into with the successful bidder, except where Council is required to approve the contract award in accordance with this Policy.

8. Authorized Practice

The Council of the Township of Wollaston deems it expedient to have and hereby authorizes the following methods, authorization levels and processes:

8.1 Low Value Purchasing;

For purchases up to \$1,000, a properly authorized invoice shall be coded and sent to accounts payable providing the procedure used to purchase these goods and/or services demonstrate that fair market value was achieved through comparison buying. The Department Head or Designate with signing privileges has the authority to approve this method.

8.2 Request for Quotation:

Email/Oral Quotations:

A minimum of three (3) suppliers shall be asked to quote by email when the value of the purchase falls between \$1,001 to \$10,000. This method shall utilize

a centralized co-ordination for standardization and integrity as well as internal controls. The Department Head with signing privileges at appropriate dollar value level has the authority to approve this method. A record of the quotes shall be retained on file. Where time constraints or other contingencies apply, an oral solicitation/quote will be considered by the Department Head.

Written Quotations:

A minimum of three (3) suppliers shall be asked to quote when the value of the purchase falls between \$10,001 to \$40,000. This method shall utilize a centralized co-ordination for standardization and integrity as well as internal controls. A Department Head with the signing privileges has the authority to recommend this method to the Clerk-Administrator for approval, utilizing a consultant qualified in the field of work for the item being tendered, should Staff not be familiar with the specific information required for said quotation process. When costs exceed \$10,000, a Department Head shall provide terms of reference which shall meet the satisfaction of the Clerk-Administrator.

The Clerk-Administrator shall maintain a list of suggested evaluation criteria for the assistance in formulating an evaluation scheme for this process. A record of the written quotations shall be retained on file.

8.3 Request for Proposal:

A Request for Proposal (RFP) is a form of bind solicitation that is used when the bidder selection is based on best value rather than on price alone. When the expertise for developing proper specifications and criteria lies in the hands of the suppliers or when additional information is required, and it is not practical to call tenders the Department Head or Designate may invite proposals from selected suppliers. The Clerk-Administrator has the authority to approve requests for proposals subject to amounts being included and approved in the Budget.

8.4 Request for Tender:

A Request for Tender (RFT) is used where selection is based on the lowest price. The following tender methods shall comply with the Township of Wollaston Tender Documents, which are prepared and maintained by the Clerk-Administrator or their designate, utilizing a consultant qualified in the field of work for the item being tendered, should Staff not be familiar with the specific information required for said tendering process.

Public Tender:

For purchasing activities which exceed \$40,000 a request for bids shall be advertised. The Clerk-Administrator and the Department Head or Designate shall determine the best process for advertising and inviting tenders. This

includes inviting tenders both locally and afield and shall be advertised in local and surrounding area newspapers.

There will be a public tender opening to receive the bids at a predetermined place, date and time which will be disclosed in the public tender documents. The public, including municipal staff and Council, may have access to the opening in person and/or by electronic means as determined by the Clerk-Administrator.

This method shall utilize a centralized co-ordination for standardization and integrity as well as internal controls. The Clerk-Administrator, upon the recommendation of a Department Head or Designate, where applicable, has the authority to approve the initiation of the tender process and approve the purchase providing the goods or services are specified in the annual approved budget or in a motion approved by Council and is within the financial limit approved by Council. The issuance of a tender for goods or services that has not been approved by Council requires Council's prior authorization. The purchase of tendered goods or services in excess of the amount approved by Council must be brought back to Council for approval.

8.5 Non-Competitive Purchasing:

(a) Competition may be precluded under the following circumstances:

- when there is a statutory or market-based monopoly on the item.
- when no bids were received in a competitive process.
- when the required item is covered by an exclusive right such as a patent, copyright or exclusive licence.
- when the purchase is already covered by a lease-purchase agreement where payments are partially or totally credited to the purchase.
- when it is necessary to ensure compatibility with existing products or to avoid violating warranty/guarantee requirements when service is required.
- when the require item is in short supply due to market conditions.
- when competitive sourcing for low value procurement would be uneconomical or would not attract bids.
- when an urgent procurement is necessary for fulfilling a statutory order issued by a provincial authority, such as an environmental, public health, or workplace safety compliance order.
- in the case of Emergency Purchasing Procedures (see item #18 in this by-law).

- Specialized service that is performed to the unique or exacting standards as required by the Township.

A dollar value has not been defined for this type of purchasing but rigid standards must be met. The Clerk-Administrator and the Department Head or Designate have the authority to approve this method of purchasing up to \$40,000 providing that the Department Head or Designate has provided terms of reference which shall meet the satisfaction of the Clerk-Administrator. Council and the appropriate standing committee shall be so advised.

Council's approval is required for all non-competitive purchases in excess of \$40,000.

(b) Special conditions apply against the following non-competitive purchasing circumstance:

- when an opportunity arises which will allow for the purchase of a capital item at substantial savings. Council approval must be received in advance for any purchase of this type over \$40,000.

8.6 Unsolicited Proposals:

- Unsolicited proposals received by the Township shall be reviewed by the Clerk-Administrator and the Department Head or Designate.
- The Township shall be under no obligation to accept an Unsolicited Proposal or to award anything to a bidder who has submitted an Unsolicited Proposal
- The proponent will be required to supply, to the Town, sufficient information to verify the feasibility of the proposal.
- If it is determined by the Clerk-Administrator and Department Head that funding is available and that there is a legitimate need for the goods, services and/or construction offered by way of the Unsolicited Proposal, then the Clerk-Administrator and Department Head will determine the applicable acquisition process to be conducted in accordance with this Policy, unless directed otherwise by Council.

9. Purchasing Advisement and Policy Responsibilities

Department Heads or Designates have responsibility for purchasing activities within their departments and are accountable for achieving the specific objectives of the purchasing proposal.

The Clerk-Administrator is responsible for,

- providing professional purchasing advice and services to the Department Head or Designate,

- monitoring compliance with this by-law,
- notifying the Department Heads or Designates, in advance if possible, of non-compliance;
- informing Council that noncompliance with this by-law has occurred.

10. **Consultants**

- 10.1 The methods of procurement regarding use of Consultants are summarized in “Appendix B” of this by-law.
- 10.2 Where the requirement for Consultant Services is estimated to cost less than \$10,000, the Department Head will select the Consultant and notify the Clerk-Administrator of the selection.
- 10.3 Where the requirement for Consultant Services is estimated to cost \$10,001 or more, but less than \$20,000, a minimum of three written/electronic proposals are required. The selection shall be made by the Department Head and have approval of the Clerk-Administrator.
- 10.4 Where the requirement for Consultant Services is estimated to cost \$20,001 or more, a minimum of three written/electronic proposals are required. The selection shall be made by the Department Head in conjunction with the Clerk-Administrator, prior to being presented by formal report to Council for approval of the Consultant choice.

11. **Values and Authority for Purchases**

Anyone given purchasing authority under this purchasing policy is responsible for reviewing the budget and purchasing policies to ensure that there are sufficient funds in the budget for the selected project and that the information is accurate.

12. **Disposal of Surplus Equipment or Supplies**

- 12.1 Equipment or supplies to be offered for sale must first be declared surplus by resolution of Council with a recommendation from the Department Head.
- 12.2 The Department Head and/or Clerk-Administrator shall **attempt** to obtain a written/electronic estimate of the value of the item from a reputable vendor and the resulting value shall be the sale price. If unable to be obtained, the Department Head and/or Clerk-Administrator may choose to view social media sale sites to obtain a value.
- 12.3 The equipment or supplies shall be advertised on the Municipal website for a period of at least ten (10) business days.

- 12.4 Equipment or supplies declared surplus that have not sold through the measures outlined above must be retained for a period of 60 days, after such time it may then be sent to Public Auction or the price may be reduced for quick sale.
- 12.5 No elected official, officer or employee of the Township or its local boards shall personally obtain any personal property that has been declared surplus unless it has been obtained in accordance with this By-law.
- 12.6 This By-law shall not apply to the sale or disposal of real property.

13. **Understandings and Interpretations**

- 13.1 Except as otherwise stipulated, any purchase of goods and/or services shall be made on a competitive basis, in keeping with accepted public purchasing practices and in accordance with the applicable federal, provincial, and municipal laws.
- 13.2 No purchasing process for goods and/or services shall be intentionally structured so as to avoid any provision of the Purchasing By-law and/or Purchasing Policies.
- 13.3 All purchase of goods and/or services for the Township of Wollaston shall be subject to the provisions of this By-Law. Prices and authority levels as stated within the By-Law are intended to be the total cost excluding taxes.
- 13.4 All suppliers that will be performing work on Township property must provide evidence of appropriate insurance, with a minimum of Five Million Dollars (\$5,000,000) Liability Coverage and active Workplace Safety and Insurance Board status, with clearance certificates where applicable, to be eligible for specified works.
- 13.5 Specifications shall not be designed or written so as to indicate preference to any one bidder or, where a specific brand and model is stated as a benchmark.

14. **Approval of Budget**

Formal approval of the fiscal year operating and capital budgets or by special approval by Council constitutes financial approval to pursue expenditures outlined in the department's budget. Prior to budget approval, Department Heads or Designates can authorize and approve recurring expenditures which are necessary in the continuity of operations within the Town, all of which are subject to the terms and conditions as may be described in the Township's Budgeting Control By-law.

In the event that a purchase was not included as part of the approved budget or will cause a material negative variance to the overall budget, staff will seek

Council's approval to proceed with the purchasing using the appropriate method as outlined in this by-law.

15. Acceptance of Bids

15.1 In the case of quotations, the lowest bid of a qualified bidder may be accepted if it meets the requirements specified in the competition. The Township reserves the right to accept no bids as part of the process. The Township reserves the right to reject any or all bids as part of the process.

15.2 Criteria for awarding of invitational tenders, public tenders and request for proposals will be established prior to issuance of tender document to prospective bidders. The criteria may include one or more of the following:

- (a) Price
- (b) Warranties
- (c) Service (Personnel, Availability and Qualifications)
- (d) Experience/Past Performance
- (e) Environmental policies of the bidder
- (f) Schedule Preventative maintenance programs.
- (g) Location of the vendor with respect to the impact on the provision of the goods or services.

The Township reserves the right to accept no bids.

16. Trade Agreements

Purchasing by the Township may be subject to the provisions of any Federal or Provincial trade agreements.

Where an applicable trade agreement is in dispute with the purchasing by-law, the trade agreement shall take precedence.

17. Lease and Financing Arrangements

Prior to entering into a lease agreement or long-term contract, the terms and conditions shall be reviewed by the Clerk-Administrator, who shall provide written confirmation of this review and the acceptability of the agreement. Should Staff not be familiar with the specific information required for the leasing and financing arrangement, Staff will utilize a consultant qualified in the field of work for the item being leased and/or financed. This procedure is to ensure that these contracts are in compliance with Treasury Reporting Standardization on Leasing as is contained in the **Municipal Act, 2001**. All financing agreements shall include, where appropriate, the original equipment cost, the length of the lease, the effective rate of interest, the residual value of the goods, the complete repayment schedule, the total cost over the term of the lease, and buy-out options if any.

18. Emergency Purchasing Procedures

This refers to a purchasing process where the usual competitive acquisition rules are suspended due to prevailing emergency circumstances. When an event occurs that is determined by the Clerk-Administrator to be an impending situation that constitutes a danger of major proportions that could result in serious harm or substantial damage to Township property, and the occurrence requires the immediate delivery of goods and services and time does not permit the Clerk-Administrator to follow normal purchasing activities to acquire such goods and services, the Clerk-Administrator may make any necessary purchases without following the purchasing by-law and is authorized to do so in the most expedient and economical means possible.

The Clerk-Administrator shall provide a full written report of the particulars of the emergency situation in all cases, where the amount of the expenditure has exceeded \$10,000 in value. A report to Council shall be submitted for expenditures that exceed \$10,000 under the emergency purchasing procedure.

19. Blanket Purchase Order

Following the guidelines determined within this by-law, the Clerk-Administrator may establish prices and select sources to supply goods and services that are used repetitively. The quantity of the goods should be estimated based upon previous usage when requesting the supplier to establish a set price. The Township may establish and maintain a blanket order for these frequently used goods and services once the source and price has been predetermined with selected suppliers.

20. Preferred Vendors

Following the guidelines determined with this by-law, the Clerk-Administrator may establish a list of preferred vendors that are used on a repetitive basis to perform regular maintenance and operational projects. This includes but is not limited to civil works, cleaning, plumbing, electrical, and HVAC and may include an invited tender with at least 2 participants or a public tender depending on the total expected dollar value. This is used to establish a set hourly price for vendors that may be called on an emergency basis when events occur.

21. Sole / Single Source Purchasing

In circumstances where the sources of supply are restricted to the extent that there is not effective price competition or consideration of substitutes is precluded due to any of the following:

- components or replacement parts for which there is no substitute
- warranty, function or service
- compatibility with an existing product, facility or service is required
- specific standards are adopted by Council

- there is only one available supplier for the source of the supplies or service

The Department Head or Designate shall be responsible to demonstrate to the Clerk-Administrator that the conditions required for sole source purchasing exist prior to authorization of the purchase.

22. **Exclusion of Bidders**

The Township may, in its sole discretion, prohibit a supplier from bidding on future solicitations, where the supplier has, in the one-year period immediately preceding the date of the bidding either,

- performed unsatisfactory work
- failed to meet completion dates and/or failed to follow reasonable instructions
- failed to comply with health and safety conditions or violations
- withdrawn from a tender once the contract has been awarded
- failed to comply with the terms and/or conditions of a contract
- provided incomplete or false references, or is given an unsatisfactory external and/or internal reference and a reference check in relation to a Bid Solicitation
- been a party to litigation with the Township

23. **Goods and Services “Exempt” from Provisions of the Purchasing Policies**

The purchasing methods described in this by-law do not apply to the following Goods and Services:

23.1 **Training and Education**

- Registration and tuition fees for conferences, conventions, courses and seminars
- Magazines, books and periodicals unless the purchases of such magazines, books and periodicals are subject to value-added services
- Memberships.

23.2 **Refundable Employee / Councillor Expenses**

- Meal Allowances
- Travel and Entertainment
- Miscellaneous – Non-Travel

23.3 **Employer’s General Expenses**

- Payroll Deduction Remittances
- Medical
- Licenses

- Debenture Payments
- Grants to Agencies
- Damage Claims
- Petty Cash Replenishment
- Tax Remittances
- Insurance Premiums
- Payroll Related Issues
- Charges to other Government Bodies

23.4 Miscellaneous

- where construction or renovation work on a leased building may be performed only by the lesser of the building
- when no bids were received in a competitive process
- when the purchase is already covered by a lease-purchase agreement
- when an urgent purchasing is necessary for fulfilling a statutory order issued by a federal or provincial authority, such as an environmental, public health, or workplace safety compliance order
- when there is a statutory or market-based monopoly on the item
- when the required item is covered by an exclusive right such as a patent, copyright, or exclusive license
- where payments are partially or totally credited to the purchase
- when competitive sourcing for low value purchases would be uneconomical or would not attract bids
- when it is necessary to ensure compatibility with existing products or to avoid violating warranty/guarantee requirements when service is required
- agreement on Internal Trade and the Ontario-Quebec Trade Agreement indicate specific exceptions to competitive sourcing
- where the item is being tested on a trial basis
- where the carrying out of the work by the supplier other than the supplier did the original work would nullify the warranty or guarantee held

These purchases are still subject to internal financial controls and generally accepted accounting and reporting practices.

24. When directed by Township Council, the following purchase of professional services will be completed through a Request for Proposal: **Should Staff not be familiar with the specific information required for any of the following specialized professional services, Staff will utilize a consultant qualified in the field of work for the service being purchased.** Specific legal and other specialized professional services may be sole-sourced if approved by Council

- Auditing
- Banking
- Actuaries
- Insurance

- Legal
- Engineering
- Consulting
- Other specialized professional services specified by Council

25. **Co-operative Purchasing**

- 25.1 The Township may participate with other government agencies or public authorities in co-operative purchasing when it is in the best interest to do so.
- 25.2 If the government agency or authority is of a senior level, then the purchasing policies of that body would come into place under this particular circumstance.

26. **Access to Information**

The disclosure of information received relevant to the issue of Bid Solicitations or the Award of Contracts emanating from Bid Solicitation shall be in accordance with the provisions of the **Municipal Freedom of Information and Protection of Privacy Act**, RSO 1990. C M.56, as amended.

27. **Setting Aside Conditions of Purchasing By-Law**

Township Council may, on a resolution passed by a majority of all of the Members of the Township Council present and voting in favour thereof, set aside or waive the provisions of this by-law.

28. **Process Review and Evaluation**

The purchasing by-law and policies will be reviewed and evaluated once every term of council or more frequently if directed by Council, to analyze for effectiveness. A review or evaluation of the internal controls may be executed to confirm that all procedures and guidelines are being acknowledged and to ensure that the purchasing of goods and/or services are being administered fairly and impartially.

29. **Accessibility**

- 29.1 In acquiring good and services for the Township, municipal staff shall consider and have regard to disability accessibility issues as may reasonably pertain to such acquisitions of goods and services, in accordance with the requirements of the **Accessibility for Ontarians with Disabilities Act**, 2005, SO 2005, c. 11, as amended.
- 29.2 If it is not possible and practical to do so, the Township of Wollaston will provide and explanation on request. Explanations shall be forwarded by the appropriate Department Head in an accessible manner and shall be copied to the Clerk's

office for further review so that such issues shall be incorporated into the accessibility plan to prevent and remove such barriers.

30. If any section, clause or provision of this By-Law is for any reason declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the By-Law as a whole or part thereof other than the section, clause or provisions of this By-Law shall remain in force and effect until repealed or amended, notwithstanding that one or more provisions shall have been declared to be invalid.
31. Appendix "A" to this By-Law, in which is set out the signing authority, integrity, methods of purchasing and limits of purchasing, shall form part of this By-Law. The purchasing portion of By-Law 2014-12 shall be rescinded upon passing of this By-Law.
32. This By-Law shall come into effect upon passing.

PASSED THIS 09th DAY OF MAY, 2022.

MAYOR: LYNN KRUGER

SEAL

CLERK: BERNICE CROCKER

Appendix “A” - Purchasing Practices and Authority Approvals

Procedure	Purchase Value	How Required Integrity is Maintained	
		All purchasing must be within an approved budget or otherwise approved by Council.	
		Method	Who Can Sign
Informal Low Value Procurement	up to \$ 1,000	Comparison pricing and competitive pricing to be carried out for a one-time procurement in an expeditious and cost-effective manner through phone, fax, e-mail, vendor catalogues or advertisements. This method will use centralized coordination for standardization and integrity as well as internal controls.	Department Head Or Designate
Oral Quotations	\$ 1,001 to \$ 10,000	Primarily done on an invitational basis from at least three qualified suppliers. Implementation of an effective, objective, fair, open, transparent, accountable, and efficient process for obtaining competitive bids based on precisely defined requirements for which there is a clear solution. Preference for local suppliers is to be considered only when all other factors are equal. This method will use centralized co-ordination for standardization and integrity as well as internal controls and decentralized purchasing by Department.	Department Head Or Designate,
Written Quotations	\$10,001 to \$ 40,000	Primarily done on an invitational basis from at least three qualified suppliers. This method may be supplemented with public advertising. Implementation of an effective, objective, fair, open, transparent, accountable and efficient process for obtaining competitive bids based on precisely defined requirements for which there is a clear solution. Preference for local suppliers is to be considered only when all other factors are equal.	Department Head or Designate And Clerk-Administrator or designate together

Public Tenders	Over \$ 40,000	Implementation of an effective, objective, fair, open and transparent accountable and efficient process for obtaining competitive bids based on precisely defined requirements for which there is a clear or single solution. The advertised (at a minimum in local papers) tender will be submitted on prescribed forms. There will be a public tender opening at a predetermined date, place and time. Central coordination for standardization and internal control - decentralized tender process with reports circulated and signed.	Department Head or Designate and Clerk Administrator or designate together provided that: (a) the purchase of the goods or services have been approved by Council ; and (b)the amount is within approved budget or approved by Council
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Request for Proposal	No dollar value defined	To implement an effective, objective, fair, open, transparent, accountable and efficient process for obtaining unique proposals designed to meet broad outcomes to a complex problem or need for which there is no clear or single solution. When the expertise for developing proper specifications and criteria lies in the hands of the suppliers or where additional information is required and it is not practical to call tenders. The selected proposal earns the highest score and meets the requirements specified in the competition based upon qualitative, technical, and pricing considerations	Department Head or Designate and Clerk Administrator or designate together.
Non-Purchasing	No dollar but must meet rigid criteria.	Allows for purchasing in an efficient manner without seeking competitive pricing. Conditions exist when competition is precluding due to the application of any act or legislation or because of the existence of patents or copyrights or due to market conditions, the goods and/or services are in short supply or when the condition of an emergency purchase exists.	Department Head or Designate And Clerk- Administrator or designate together

Appendix “B” – Consultant Procurement

Estimated Cost	Type of Quotation	Source of Approval	Purchase Document	Reporting Status
Under \$10,000	N/A	Department Head	System Purchase Order/Invoice	N/A
\$10,001 - \$20,000	Three (3) Written or Electronic Proposals	Department Head with Clerk-Administrator or designate	System Purchase Order/Invoice	N/A
Over \$20,001	Three (3) Written or Electronic Proposal	Department Head with Clerk-Administrator and Council	System Purchase Order/Invoice	N/A