



# THE CORPORATION OF THE MUNICIPALITY OF RED LAKE

By-Law No. 05-2026

## BEING A BY-LAW TO ADOPT POLICIES AND PROCEDURES TO GOVERN THE PROCUREMENT OF GOODS, SERVICES OR CONSTRUCTION AND DISPOSAL OF ASSETS

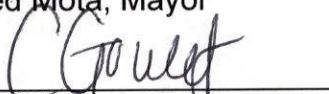
**WHEREAS** Section 270 of the Municipal Act, 2001, S.O. C.25, as amended, requires that a municipality shall adopt and maintain a policy with respect to its procurement of Goods and Services; and

**WHEREAS** this By-Law establishes the authority and sets out the methods by which Goods, Services and/or Construction will be purchased and disposed of for the purposes of The Corporation of the Municipality of Red Lake subject to certain exceptions set out herein;

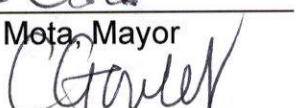
**NOW THEREFORE** the Council of the Corporation of the Municipality of Red Lake hereby **ENACTS AS FOLLOWS:**

1. **THAT** the Procurement By-Law, annexed hereto as Appendix "A" and forming a part of this By-Law, is hereby adopted by the Council of The Corporation of the Municipality of Red Lake.
2. **THAT** By-Law No. 28-2025 is hereby repealed.
3. **THAT** this By-Law shall come into force and take effect on the final passing thereof.

READ a **FIRST TIME** and **SECOND TIME** this 26<sup>th</sup> day of January, 2026.

  
\_\_\_\_\_  
Fred Mota, Mayor  
  
\_\_\_\_\_  
Christine Goulet, Clerk

READ a **THIRD TIME** and **FINALLY PASSED** this 26<sup>th</sup> day of January, 2026.

  
\_\_\_\_\_  
Fred Mota, Mayor  
  
\_\_\_\_\_  
Christine Goulet, Clerk

The Corporation of the Municipality of Red Lake



# Procurement By-Law

Adopted by By-Law No. 05-2026

Effective January 26, 2026

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## 1 Interpretation

### 1.1 In this By-law,

- 1.1.1 "Blanket Purchase Order" means a Contract between the Municipality of Red Lake and a supplier for the supply of regularly ordered Goods or Services at specified unit prices with, where possible, maximum dollar limits, or discounts, but no specified quantities, not to exceed \$3,000 (three thousand dollars) including taxes.
- 1.1.2 "Bid" means a submission from a supplier in response to bid solicitation document.
- 1.1.3 "Bid Solicitation Document" means a document issued by the Corporation to solicit competitive bids from suppliers and includes a Request for Quotations ("RFQ"), Request for Tenders ("RFT") and Request for Proposals ("RFP").
- 1.1.4 "Bidder" means a supplier that submits a bid.
- 1.1.5 "Buying Group" means an organization that consolidates purchasing power to achieve better pricing and contract terms for its members.
- 1.1.6 "By-law", sometimes referred to as "Procurement By-law" means this by-law, including all schedules to it.
- 1.1.7 "C.A.O." shall mean the person, or designate, appointed by the Corporation to be exercise general control and management of the affairs, ensuring efficient and effective operations.
- 1.1.8 "Competitive Bidding Process" means a procurement method where multiple suppliers are given an opportunity to submit bids in response to bid solicitation document.
- 1.1.9 "Contract" means a legally binding commitment between the Corporation and one or more supplier(s) for the acquisition of goods and services.
- 1.1.10 "Contract Value" means the total estimated expenditures under a contract over the entire period of the contract, including options and renewal periods, including the non-refundable tax amount.
- 1.1.11 "Construction" shall mean a construction, reconstruction, demolition, repair or renovation of a building, structure or other civil engineering or architectural work and includes site preparation, excavation, drilling, seismic investigation, soil investigation, the supply of products and materials and the supply of equipment

and machinery if they are included in and incidental to the construction, and the installation and repair of fixtures of a building, structure or other civil engineering design or architectural work, but does not include professional services related to the construction contract unless they are included in the specifications for the procurement.

1.1.12 "Corporation" shall mean The Corporation of the Municipality of Red Lake.

1.1.13 "Council" shall mean the Council of The Corporation of the Municipality of Red Lake.

1.1.14 "Department Head" means a municipal employee with spending authority as designated by the Senior Manager with leadership over the municipal department or functional area and as approved by the Senior Management Team. A list of employees designated as department heads will be reviewed and provided at least annually to the Treasury/Procurement Department.

1.1.15 "Designate" means the person or persons assigned the duties and responsibilities on behalf of, and in the absence or in the capacity of the person charged with the principal authority to take the relevant action or decision.

1.1.16 "Emergency" means a situation or the threat of an impending situation, which may affect the environment, the life, safety, health and/or welfare of the general public or the property of the residents of the Municipality of Red Lake, or to prevent serious damage, disruption of work, or to restore or to maintain essential service to a minimum level, subject to provisions of the Emergency Management Program By-Law.

1.1.17 "Essential Infrastructure Authority" shall mean an entity responsible for the management, operation and maintenance of critical public infrastructure, such as water, sewer and airport system.

1.1.18 "Formal Quote" shall mean a binding, written offer on a structured document from a vendor detailing the exact price, terms, and scope for specific goods or services.

1.1.19 "Goods" shall mean all tangible, moveable property, including raw materials, products, equipment and other physical objects of every kind and description, as well as the cost of installing, operating, maintaining or manufacturing such moveable property.

1.1.20 "Limited Tendering" shall mean a procurement method that allows a public entity to award a contract without an open, competitive tender, only in narrow defined and justified circumstances.

1.1.21 "Municipality" shall mean The Corporation of the Municipality of Red Lake.

1.1.22 "Procurement" or "Purchase" means the acquisition of goods and/or services by purchase, rental, or lease.

1.1.23 "Procurement department" shall mean any individual hired under the Procurement department heading or Designate (as delegated by the Treasurer).

1.1.24 "Request for Proposal" or "RFP" means a competitive procurement method used to acquire Goods, Services, or Construction. The Request for Proposals process encourages different solutions from vendors and actively searches for better and more creative ideas for supply contracts. It is a wide-open alternate bidding process. Request for Proposals provide a process whereby the negotiation and award is based on demonstrated competence, qualifications and the technical merits of the Proposal at a fair price.

1.1.25 "Senior Manager" means the senior administrative employees of the Municipality who are collectively responsible for the strategic leadership, operational oversight, and management of municipal programs and services. Designation of Senior Management Team members may be documented through organizational charts, written directives, or other administrative instruments issued by the CAO.

1.1.26 "Services" means services of all kinds, including labour, construction, maintenance and professional and consulting services, unless otherwise specified.

1.1.27 "Single Source" means more than one source is available, but the circumstances justify the selection of a supplier without a competitive bidding process.

1.1.28 "Sole Source" means there is only one available supplier of the required goods or services, but the circumstances justify the selection of a supplier without a competitive bidding process.

1.1.29 "Supplier" means a person carrying on the business or providing goods or services and includes an individual, firm, partnership or proprietorship, vendor, contractor, architect, consultant, bidder or proponent.

1.1.30 "Surplus Asset" shall include new or used equipment, vehicles or materials, which are of no further use to the Corporation.

1.1.31 "Tender" is a process where the Corporation specifies in a Tender document, with detail and precision, the exact Goods and Services it requires. Bidders are asked to submit Bids that include pricing only, with no deviation from any of the terms, conditions or specifications in the Tender document, unless specifically asked to

do so.

1.1.32 "Treasurer" shall mean the person appointed by the Corporation to perform the statutory duties of Municipal Treasurer and is responsible for handling all the financial affairs of the municipality on behalf of and in the manner directed by Council of the municipality. The Treasurer may delegate authority with respect to the requirements of this By-Law and that person shall have the authority of the Treasurer.

1.2 In the event of a conflict between a provision in this By-law and the Municipality's Delegation of Authority By-law, being By-law No. 94-2023, as amended, supplemented or replaced from time to time, this By-law shall prevail, with the exception of awarding a contract for an Operating Authority for municipal services.

## 2 Purpose

- 2.1 To Ensure all procurement activities, including purchases, construction, and surplus asset disposal, are conducted openly, fairly, transparently, and align with the Broader Public Sector Directives.
- 2.2 To protect the Corporation, public, and participants by clearly defining how Goods and Services are procured.
- 2.3 To maintain procurement integrity by consistently using the most appropriate acquisition method to secure the best value for the Corporation.
- 2.4 To ensure the Corporation's procurement of Goods and Services is in compliance with all legislative and regulatory requirements, including but not limited to:
  - 2.4.1 the Municipal Act;
  - 2.4.2 the Municipal Conflict of Interest Act;
  - 2.4.3 the Municipal Freedom of Information and Protection of Privacy Act;
  - 2.4.4 the Accessibility for Ontarians with Disabilities Act;
  - 2.4.5 the Discriminatory Business Practices Act;
  - 2.4.6 the Canadian Free Trade Agreement (CFTA);
  - 2.4.7 the Canada-European Union Comprehensive Economic and Trade Agreement (CETA);

- 2.4.8 the Trade and Cooperation Agreement between Ontario and Quebec;
- 2.4.9 any successor federal or provincial legislation, regulations, or agreements governing municipal procurement; and
- 2.4.10 all Corporation bylaws, policies and procedures governing City expenditures and standards of conduct of City employees.

- 2.5 To clearly define circumstances in which non-competitive procurement processes may be used.
- 2.6 To clarify roles and responsibilities in all stages of the procurement process.
- 2.7 To outline co-operative or group purchasing processes.
- 2.8 To detail the process for surplus goods disposal.
- 2.9 To reinforce fairness, openness, and transparency, the following principles shall govern all procurement activities:
  - 2.9.1 Ensuring equal treatment of all suppliers without preferential treatment
  - 2.9.2 Making procurement opportunities accessible to all qualified suppliers
  - 2.9.3 Ensuring clear decision-making processes, documentation, and accessibility of information

### **3 Scope**

- 3.1 This By-Law applies to all Corporation staff, Council, Boards, Contracted service Authorities and Committees involved in procurement.
- 3.2 It governs the procurement of Goods and Services excluding surplus asset disposal per the Surplus Assets Disposal Policy in Schedule "A" and items in Schedule "C."
- 3.3 It does not cover real property acquisition or disposal, which is governed by relevant policies or By-laws in effect.
- 3.4 Contract splitting or altering procurement requirements to bypass this By-law is prohibited.
- 3.5 All monetary values are in Canadian funds.

### **4 Roles and Responsibilities**

#### 4.1 Role of Council

- 4.1.1 Under Section 224 of the Municipal Act 2001, Council is responsible for establishing policies and ensuring accountability and transparency in the Corporation's procurement operations.
- 4.1.2 Council fulfills this role by setting policies in this By-law, approving expenditures through the budget process, and recognizing the need to separate political and administrative functions in procurement operations.
- 4.1.3 Through this By-law, Council delegates authority to Senior Management to incur expenditures within approved budgets, procure goods and services, and execute contracts in line with the By-law and procedures.
- 4.1.4 For significant projects, Council may be required to approve, as per Schedule B – Approval Authority, procurements for high-value, high-risk, security-sensitive, or community-impact projects.
- 4.1.5 Council may provide oversight on major projects but does not participate in operational procurement activities unless an exception or approval is required.
- 4.1.6 To avoid bias or political influence, Council members will not participate in competitive bidding processes, except when their approval is mandated by the By-law.

#### 4.2 CAO

- 4.2.1 Promote the By-law and oversee the Treasurer in fulfilling its duties.
- 4.2.2 Approve contract awards as specified in the By-law.
- 4.2.3 Inform Council of non-compliance with this By-law if it occurs.
- 4.2.4 The CAO also has the authority to instruct Department Heads not to award a contract and may provide additional restrictions concerning procurement where such action is considered necessary and in the best interest of the Corporation.

#### 4.3 Treasurer

- 4.3.1 Authorized to establish administrative procedures to implement this By-law.
- 4.3.2 Responsible for overseeing procurement of Goods and Services within the limits

and policies established by the Council.

- 4.3.3 May delegate responsibilities outlined in this By-law to authorized Corporation employees.
- 4.3.4 Authorized to arrange payment for Goods and Services as per the By-law or Council Resolutions.
- 4.3.5 Oversee the Procurement department in fulfilling By-law duties.
- 4.3.6 Provide procurement advice and services to Staff, Council, Boards and Committees of the Corporation.
- 4.3.7 Approve contract awards as specified in the By-Law.
- 4.3.8 Monitor compliance with the By-law and escalate non-compliance to the CAO.

4.4 Procurement department

- 4.4.1 Ensure consistent application of this By-law and procedures, while recording non-compliance instances.
- 4.4.2 Provide efficient and diligent procurement advice and services.
- 4.4.3 Supply departments with procurement forms, contracts, and competitive bid templates to meet the Corporation's needs.
- 4.4.4 Facilitate the procurement process, including solicitation creation, compliance checks, contract awards, extensions, change orders, and contractor performance support.
- 4.4.5 Maintain current insurance, WSIB certificates, and bonds as required by solicitation documents or contracts.
- 4.4.6 Initiation of research, development, maintenance, and updating procurement policies, procedures, templates, and forms.
  - 4.4.6.1 Established approval process must be followed for implementation or amendments to policies, procedures, templates and forms.
- 4.4.7 Address procurement issues and seek guidance from the CAO, Treasurer, Department Heads, or legal counsel as needed.
- 4.4.8 Provide orientation, training, and tools for employees involved in procurement.

#### 4.5 Department & Committee Heads

- 4.5.1 Oversee all departmental procurement activities, ensuring compliance with the By-law and procedures.
- 4.5.2 May delegate responsibilities outlined in this By-law to authorized Corporation employees, provided the designate has responsibility for a budget and the delegated responsibilities remain within their budgetary limits.
- 4.5.3 Prepare procurement requirements, specifications, and scopes of work.
- 4.5.4 Promote full, open, fair, and transparent competition.
- 4.5.5 Award contracts as specified in the By-law.
- 4.5.6 Manage contracts through completion, including payments, and obtain necessary approvals for early termination or amendments.
- 4.5.7 Ensure deliverables meet contract terms, conditions, and specifications throughout the contract term.
- 4.5.8 Inform the Treasurer and CAO of any non-compliance with the By-law.
- 4.5.9 Be accountable for decisions to proceed with procurement processes or transactions not in compliance with the By-law.

4.6 Departmental employees and other individuals conducting procurement activities (when given the authority to do so) on behalf of the Corporation, including Essential Infrastructure Authorities

- 4.6.1 Complying with this By-Law, and all related policies and procedures
- 4.6.2 Understanding their obligations and responsibilities under this By-Law and related policies and procedures and consulting with the Procurement department if they have any questions regarding their application or interpretation.

### 5 Authorization

#### 5.1 Authority for Expenditures

- 5.1.1 Council holds ultimate authority for all expenditures and delegates procurement authority to staff through annual budgets or Council resolutions.

- 5.1.2 Department Heads must ensure all procurements remain within their approved operating or capital project budgets.
- 5.1.3 Until Council approves the annual budget each new year, staff are authorized to incur regular operating expenditures necessary to maintain standard service levels, subject to Schedule "B" – Approval Authority, up to fifty percent (50%) of the prior year's approved operating budget for the applicable department. This interim authority does not permit new capital projects, service level increases, or multi-year commitments unless required by statute, existing contractual obligations, or an emergency under Section 9.3.7.
- 5.1.4 Where a purchase is contemplated by an executed funding agreement (ie. grant/transfer payment) and eligible under that agreement, staff may proceed within the limits of this Procurement By-law, including Schedule "B" - Approval Authority Schedule. If the funding agreement imposes stricter procurement requirements, the stricter requirements prevail.
- 5.1.5 Reallocating funds between Operating and Capital Budgets requires Council approval.
- 5.1.6 Once Council has approved the annual operating budget, purchases that are within the approved departmental operating budget and consistent with approved programs/services do not require further Council approval for award. All awards must comply with this By-law (including competitive method thresholds), including Schedule "B" - Approval Authority, and must not create new programs or multi-year commitments beyond approved budget authority.
- 5.1.7 Where Council has approved a capital project and its budget, the CAO and Treasurer, acting jointly, may approve and execute contracts and change orders to deliver that project provided the total forecasted project cost (awards, change orders, contingencies, and related internal/third party costs, net of HST rebate) does not exceed one hundred and ten percent (110%) of the Council-approved project budget and there is no material change in project scope.
  - 5.1.7.1 Any award or change for a capital project that would cause the forecast to exceed 110% or materially change scope must be reported to Council via staff report for approval.
- 5.1.8 No award or purchase order may be issued, and no notification to successful or unsuccessful suppliers may occur, until the award has been approved at the appropriate level under this By-law, including Schedule "B" – Approval Authority.

## 5.2 Authority to Execute Contracts

5.2.1 Contracts resulting from procurements shall be executed in accordance with Schedule "B" – Approval Authority of this By-law.

5.2.1.1 Contracts must not be executed until the award is approved and all required documentation is received in satisfactory form.

5.2.2 Staff report requirements

A staff report is required for all purchases and procurements that, under this By-law, including Schedule "B" – Approval Authority, require approval of Council. The staff report shall follow the format as identified in the Municipality's Visual Identity Guide (Schedule A). All staff reports must be reviewed and approved by the CAO prior to being included in Council Agenda materials.

5.2.3 Any renewal or extension must be within the approved budget and within the approval authority set out in Schedule "B" – Approval Authority.

### 5.3 Authority to Approve Change Orders

5.3.1 Change orders must be aggregated at the contract and project level and approved at the same authority level required to award the revised total commitment in accordance with this By-law, including Schedule "B" to it, and the Municipality's Delegation of Authority By-law, being By-law 94-2023, as may be amended or supplemented from time to time.

5.3.2 The CAO and Treasurer, acting jointly, may approve and execute change orders provided the total forecasted project cost (awards, change orders, contingencies, internal/third-party costs, net of HST rebate) does not exceed 110% of the Council-approved budget, and there is no material change in scope. Any change that would exceed 110% of the approved budget or materially change scope requires Council approval.

5.3.3 Each change order must briefly record the rationale, funding impact, and confirmation the contract permits the change.

### 5.4 Authority to Make Payments

5.4.1 Department Heads may approve payments once goods/services are received and confirmed compliant, provided procurement followed this By-law.

5.4.2 Procurement shall verify that invoiced prices and quantities are consistent with the issued Purchase Order and/or contract. This verification is for compliance purposes only and does not constitute payment approval authority.

- 5.4.3 Where discrepancies, non-conformance, or outstanding documentation are identified, payment may be delayed or withheld until such matters are resolved to the satisfaction of the Municipality.
- 5.4.4 The Municipality may set off amounts owing and withhold payment for non-conformance or incomplete documentation.
- 5.4.5 Progress payments/holdbacks follow the contract and the Construction Act (Ontario).

## 5.5 Regular Reporting to Council

Administration shall provide regular reporting to Council on procurement activity to support transparency, accountability, and informed oversight.

Such reporting shall be provided no less than quarterly and may include, but is not limited to, summary information on purchases and procurements completed under delegated authority, procurements awarded by Council, limited tendering procurements, and any other information deemed relevant by Administration or requested by Council.

## 6 Conditions for Procurement of Goods and Services

- 6.1 All purchases must align with the approved Operational and Capital budget and be approved in accordance with the provisions of this By-law, including Schedule "B" – Approval Authority Schedule, unless Council directs otherwise through a by-law or resolution.
- 6.2 Goods, Services, or Construction must be procured using an approved Method of Procurement as outlined in Section 8.
- 6.3 Consultants may be used to prepare specifications for engineering, design and preparation of tenders, quotations, or funding applications for other government agencies. The services must be obtained as is defined in the Methods of Procurement.
- 6.4 A consultant that materially assists in developing specifications or evaluation criteria is ineligible to submit a bid for the related procurement, unless the Municipality determines and documents that no conflict exists and competition/fairness will not be impaired.

## 7 Purchase Orders and Contracts

### 7.1 Purchase Orders

- 7.1.1 The Treasurer shall establish procedures and practices for the issuance of purchase orders.

7.1.2 Only the Treasurer or written designate may issue a Purchase Order (PO).

7.1.3 No work shall commence, and no goods/services shall be delivered, until a PO or contract is issued.

7.1.4 Where a formal contract is executed, the contract governs; the PO is an administrative instrument and incorporates the Municipality's standard terms only to the extent that they are not inconsistent with the contract.

7.1.5 Where a PO is based on a quotation, tender, request for proposal, cooperative/standing offer, or vendor-of-record agreement, the reference number shall be shown on the PO.

#### 7.1.6 Blanket Purchase Orders

7.1.6.1 A Blanket Purchase Order may be issued to facilitate recurring, routine, and low-value purchases of Goods or Services from a single supplier, where issuing individual purchase orders for each transaction would be impractical.

7.1.6.2 Blanket Purchase Orders are intended for low-value transactions.

Individual purchases exceeding \$999.99 shall not be made against a Blanket Purchase Order and must be authorized through a separate Purchase Order, approved in accordance with Schedule "B" – Approval Authority.

7.1.6.3 Blanket Purchase Orders shall not be used to divide, sequence, or structure purchases for the purpose of avoiding procurement thresholds, approval authority, or competitive procurement requirements.

#### 7.2 Contracts

7.2.1 Contracts required under this By-law shall be approved in accordance with this By-law, including Schedule "B" – Approval Authority Schedule.

7.2.2 Fixed end dates for issuing new current-year purchase orders applicable to Capital Projects for all Departments shall be September 30<sup>th</sup> of each fiscal year. The Treasurer may approve exceptions for emergencies, externally funded timelines, seasonal construction windows, or where required to secure pricing.

7.2.3 Fixed end dates for issuing new purchase orders applicable to the Operating Budgets for all Departments shall be November 30<sup>th</sup> of each fiscal year, with the same exception as 7.2.2.

## 8 Methods of Procurement

- 8.1 Staff, committees and authorities must determine the contract value, including non-refundable taxes, and including all estimated expenditures over the entire period of the contract, including options and renewal periods, prior to determining the appropriate procurement method.
- 8.2 The following procurement methods, as shown in Schedule "B" – Approval Authority, shall apply unless otherwise noted in this By-law:

### 8.2.1 Direct Purchases

- 8.2.1.1 Where the total contract value is \$0.00 to \$9,999.99 (inclusive), a purchase may be made directly from a supplier, subject to Schedule "B" – Approval Authority.
- 8.2.1.2 An informal quotation is a simple indication of current pricing provided by a supplier, without formal terms, conditions, or binding commitments. Its purpose is solely to demonstrate that a purchase represents fair market value.
- 8.2.1.3 Acceptable examples include, but are not limited to:
  - An emailed price list or note from a supplier
  - A screenshot of pricing from a supplier's website
  - A photograph of an in-store shelf price tag
  - A PDF page from a supplier catalogue or brochure showing current pricing
  - A screenshot of a text message or chat confirmation from a sales representative
- 8.2.1.4 Informal quotation documentation sufficient to demonstrate fair market value shall be retained at the time of purchase.
- 8.2.1.5 Where only one informal quotation is available, a brief written rationale shall accompany the purchase order request.

### 8.2.2 Formal Quotes

- 8.2.2.1 Where the contract value is between \$10,000 and \$49,999, Department Heads are required to obtain a minimum of two (2) formal quotations.
  - 8.2.2.1.1 A formal quotation is a written offer from a supplier that includes specific pricing and basic terms for defined goods or services. It must be sufficient to allow comparison between suppliers and demonstrate value for money.

8.2.2.1.2 Formal quotations typically include:

- i) A description of the goods or services offered
- ii) Unit prices or total cost
- iii) Applicable taxes, fees, or delivery charges
- iv) Terms and conditions

8.2.2.1.3 Formal quotations may be obtained through direct written requests (eg. email) and shall be attached to the purchase order request.

### **8.2.3 Formal Request for Quotations**

8.2.3.1 If the contract value is between \$50,000 and \$99,999, Department Heads shall obtain a minimum of three (3) written quotations.

8.2.3.1.1 These quotes may be obtained through email requests by issuing a formal Request for Quotation (RFQ).

Where the complexity of the project warrants qualitative evaluation criteria in addition to price, a Request for Proposal (RFP) format may be used in place of an RFQ.

8.2.3.2 All requests for formal quotations must include, at a minimum:

- (i) A clear description and scope of the goods or services required
- (ii) The submission deadline and closing date/time
- (iii) The method and location for submitting quotations
- (iv) Any mandatory requirements, specifications, or conditions
- (v) Evaluation criteria (if applicable) and basis of award
- (vi) Contact information for questions and clarifications

8.2.3.3 If fewer than three (3) written quotations are received, documentation from the Department Head confirming that requests were made to three or more suppliers, must be provided with the purchase order request.

8.2.3.4 The Procurement department, in conjunction with the Department Head, are responsible for preparing the bid solicitation document and conducting the Invitational Competition in accordance with applicable procedures.

All quotations or proposals must be received, reviewed, and evaluated as outlined in the solicitation document and any contract(s) resulting from a binding RFQ/RFP process must be awarded to the successful bidder(s) based on the outcome of the evaluation and selection process described in the RFQ or RFP.

8.2.3.5 Should three quotations or proposals not be received from the appropriate suppliers, then documentation from the Procurement department, in conjunction with the appropriate Department Head, which indicates that a request was made to three or more suppliers must be submitted to the Treasurer with such an explanation.

#### **8.2.4 Public Competition**

8.2.4.1 A Public Competition will be used when the value of the goods and services is \$100,000 or above.

8.2.4.2 A Request for Tender (RFT) should be used when:

- The Municipality can clearly define its requirements; and
- Best value for the Municipality can be achieved based on selection of the lowest compliant bid.

8.2.4.3 A Request for Proposals (RFP) should be used when:

- The solution to the Municipality's requirements cannot be clearly defined and innovative solutions are needed; and
- Best value for the Municipality can be achieved by evaluating qualitative criteria in addition to cost.

8.2.4.4 The Department Head is responsible for developing detailed specifications and scope of work for inclusion in the bid solicitation document.

8.2.4.5 The Procurement department, in consultation with the Department Head, is responsible for finalizing the bid solicitation document and conducting the Public Competition in accordance with applicable procedures.

8.2.4.6 Bids must be received, reviewed, and evaluated in accordance with the bid solicitation document and applicable procedures.

8.2.4.7 Any contract(s) resulting from a binding Public Competition must be awarded to the successful bidder(s) based on the outcome of the evaluation and selection process described in the bid solicitation document.

8.2.4.8 Should less than two Tenders or Proposals be received then documentation from the appropriate Department Head must be submitted to the Treasurer with an explanation. The documentation

should include verification that the procurement process was conducted openly, fairly, and in compliance with all relevant rules, and that it is competitive in comparison with market prices.

- 8.2.4.9 Sealed Request for Tenders, or sealed Request for Proposals-may be received electronically through e-tendering websites, the Corporation's designated website submission portal, email or in person by the Procurement department or designate. All submissions shall remain secured and inaccessible until the official opening at a public meeting, as specified in the Bid Solicitation Document.
- 8.2.4.10 The public meeting shall be conducted by the Procurement department or designate (appointed by the Treasurer) and another member of Municipal staff, preferably the requisitioning Department Head, where practicable. During the meeting, sealed in-person submissions shall be physically opened, and electronic submissions shall be electronically unsealed in accordance with established procurement protocols. The public disclosure shall be recorded by a person designated by the Procurement department or designate. The public disclosure shall be read as follows:
  - Tender – The bidder's name and total price, excluding HST, shall be read aloud and recorded
  - RFP/Quotations/Sealed Bids for surplus property (excluding real estate) – Only the proponent's name shall be read aloud and recorded.

#### 8.2.5 Evaluation of Invitational or Public Competition

- 8.2.5.1 All competitive procurement processes shall require an Evaluation Committee responsible for reviewing, assessing and rating compliant bids comprised of at least three (3) individuals, where practicable, with a minimum of two (2) members from the Municipality.

Evaluation Committee members may include, but is not limited to:

- (i) The requisitioning Department Head
- (ii) Treasurer and/or Chief Administrative Officer
- (iii) A member of Senior Management
- (iv) A partner organization involved in the competitive procurement where they have a stake in the final outcome
- (v) A funding party, where required, or where expertise would benefit the Municipality
- (vi) A subject matter expert
- (vii) A consultant

8.2.5.2 Prior to participating in the evaluation process, each Evaluation Committee member shall declare any actual, potential, or perceived conflict of interest in accordance with municipal policy and applicable legislation. Any member with a conflict shall be removed or replaced to maintain the integrity and fairness of the evaluation process.

8.2.5.3 Evaluation Committee members shall be made aware of restrictions regarding the use of confidential and commercial sensitive information collected through the procurement process. Information obtained during bid evaluation shall not be shared, discussed or disclosed outside of the procurement process.

8.2.5.4 Each Evaluation Committee member shall independently complete an Evaluation Matrix, rating each submission based on the pre-established evaluation criteria. The final evaluation scores shall be reviewed collectively to determine the recommendation for the successful proponent.

- a) Completed evaluation matrices and related assessment records must be retained in accordance with municipal record-keeping policies and applicable procurement regulations.
- b) Evaluators must ensure that all recorded comments, notes and ratings are:
  - Fair and unbiased
  - Factually accurate
  - Defensible in the event of a procurement audit, legal review or bidder inquiry

8.2.5.5 Consultant-Led Evaluations

Where a consultant is retained to conduct or assist with evaluation:

- The consultant may review, assess, and score submissions in accordance with the pre-established evaluation criteria;
- The consultant shall provide a written summary of the evaluation process and results;
- The Municipality retains accountability for the procurement process and the final award decision, including preparation of any staff report.

## 8.2.6 Other Processes

### 8.2.6.1 Market Research Tools

To protect the integrity of the procurement process, the following market research tools shall be through the Procurement department:

- a) A Request for Information may be issued in advance of procurement to provide staff with an understanding of potential solutions/needs and assist in the development of requirements, specifications, scope of work and/or terms and conditions.
- b) A Request for Expression of Interest may be issued to obtain information on the availability and interest of suppliers of any goods or services.
- c) Requests for Information and Requests for Expression of Interest are used to conduct market research, without the intention of evaluating the responses or awarding a contract. These processes may not be used to pre-qualify a potential supplier and must not influence their chances of being a successful bidder on any subsequent purchasing opportunity.
- d) The issuance of a Request for Information or Request for Expression of Interest does not obligate the Municipality to proceed with a competitive bidding process.

### 8.2.6.2 Qualified Suppliers Lists

- a) A Qualified Supplier List may be established through a publicly advertised pre-qualification process, which prequalifies suppliers to be placed on a list of suppliers that will be eligible to supply particular goods and services to the Municipality.
- b) Qualified Supplier Lists will be for specified types or categories of goods and services and will be valid for a specified period of no longer than three years. Depending on the contract value of subsequent procurements contracts may be awarded to suppliers on the Qualified Supplier List on a rotational basis or based on quotations submitted by the suppliers.
- c) Department Heads, in consultation with the Procurement

department, are responsible for establishing and managing Qualified Supplier Lists in accordance with applicable procedures.

8.2.6.3 Cooperative and Group Purchasing

- a) The Corporation may procure goods and services directly through a buying group to which the Corporation has access to, in lieu of conducting an informal competition or invitational competition under this By-law.
- b) The Corporation may participate in cooperative purchasing or joint purchasing initiatives with other municipalities, regions, local boards and other public or not for profit agencies when determined by the Department Head and the Purchasing department to be in the Corporation's best interests through savings or efficiency.

8.2.7 Supplier Debriefing

8.2.7.1 Unsuccessful bidders may request a formal debriefing session within 60 days of contract award.

8.2.7.2 The Procurement department shall provide feedback on the evaluation process and supplier ranking.

8.2.7.3 The debriefing shall not disclose confidential competitor pricing or proprietary information.

9 Limited Tendering (Sole Source, Single Source, and Other Non-Competitive Procurements)

9.1 Sole Sourcing is a method of procurement whereby a contract is awarded without a competitive bidding process because the supplier is the only source of supply for the required goods or services.

Sole Sourcing will be permitted if one or more of the following circumstances apply:

9.1.1 One supplier/contractor possessing the unique ability or capability to meet the requirements of the Municipality due to a patent, copyright, or other exclusive right.

9.1.2 The supply relates to unique replacement parts from an exclusive source, or to maintain warranty/service agreement compliance.

- 9.1.3 There is an absence of competition for technical reasons and the goods and/or services can only be supplied by a particular supplier.
- 9.1.4 For work performed on or about a leased building that may only be performed by the lessor.
- 9.2 Single Sourcing is a method of procurement whereby there is more than one supplier able to supply the goods or service, but only one is suitable in the circumstances.

Single Sourcing will be permitted if one or more of the following circumstances apply:

- 9.2.1 Additional goods, services, or construction are required for compatibility with existing equipment, technology, software, or facilities, and changing suppliers would cause duplication, .
- 9.2.2 Disclosure of information in an open contract competition would breach some duty of confidentiality or compromise security.
- 9.2.3 Specialized equipment that must be serviced by the manufacturer or authorized representative.

### 9.3 Other Limited Tendering Situations

The following situations also permit a non-competitive award:

- 9.3.1 No valid bids were received in a competitive process conducted in accordance with this By-law.
- 9.3.2 Commodity market purchases where prices are publicly set and fluctuate regularly (e.g. fuel, metals, agricultural products).
- 9.3.3 Prototype, first-of-a-kind, or research and development contracts.
- 9.3.4 Advantageous purchase from a supplier in bankruptcy, receivership, or liquidation.
- 9.3.5 Contract awarded to the winner of a design contest, provided the contest was conducted in a fair and transparent manner.
- 9.3.6 Where construction materials (such as sand, stone, gravel, asphalt, compound, salt, or pre-mixed concrete for use in the construction or maintenance of roads) are to be purchased and it can be demonstrated that transportation costs or technical considerations impose geographic limits on the available supply base.

9.3.7 An unforeseeable situation of urgency exists, not caused by the Municipality, and the goods and/or services cannot be obtained in time by means of competitive bidding process.

9.3.7.1 Failure to plan and allow sufficient time for a competitive bidding process does not constitute an unforeseeable or emergency situation.

9.3.7.2 For the purposes of this section, "unforeseeable situation of urgency" includes:

- (i) Imminent or actual danger to life, health, or safety of the public or Municipal staff;
- (ii) Urgent repairs to prevent or limit damage to Municipal or public property;
- (iii) Unexpected interruption or threat to essential public services;
- (iv) Urgent compliance with a statutory, regulatory, or court order.

9.3.7.3 When goods or services are required due to an emergency, the Department Head may proceed with expedited procurement upon approval from the CAO or Treasurer. A staff report to Council must be submitted as soon as is practicable, detailing:

- The procurement undertaken;
- The circumstances that constituted the emergency; and
- The source of funding.

9.4 Except in the case of an Emergency, addressed under Section 9.3.7, any Sole Source, Single Source, or other Limited Tendering procurement with a total forecasted project cost exceeding \$5,000 shall be supported by documented justification demonstrating that the use of a non-competitive procurement method is permitted under the circumstances set out in this By-law and/or its Schedules.

9.4.1 Such justification shall reference the applicable clause(s) in Section 9 and/or Schedule "C" and provide sufficient rationale to demonstrate compliance with this By-law.

9.4.2 Approval of the procurement shall be obtained in accordance with Schedule "B" – Approval Authority.

## 10 Unsolicited Proposals

10.1 From time to time, unsolicited proposals may be received from proactive Proponents

seeking to provide Goods or Services.

- 10.2 Staff may engage in discussions with potential Proponents on opportunities that exist in the market as part of informing themselves of market changes and opportunities. Before engaging in any such discussions, however, the Proponent must always be advised that any procurement or contract can only be initiated pursuant to this By-law.
- 10.3 If an unsolicited proposal (document) is received from any potential Proponent, the unsolicited proposal should be forwarded to the Treasurer, Procurement department, and the appropriate Department Head. The Department Head, with the assistance of Procurement department, shall first assess such proposals on the basis of whether they align with the strategic goals and objectives, do not circumvent the regular procurement processes, and the proposal's scale and scope align with the requirements and funding ability.
- 10.4 If it is determined that there is a legitimate need for the Goods or Services offered by way of an unsolicited proposal, then the procurement process shall be conducted in accordance with this By-law.

## 11 Additional Considerations

- 11.1 Public sector organizations in Ontario, including the Corporation, must comply with the regulations under AODA. The Accessibility Standard for Customer Service also applies to third parties that provide goods and services to members of the public on behalf of a public sector organization.
- 11.2 Department Heads must ensure that contracts require the supplier to meet all requirements under the AODA and associated regulations.

## 12 Sustainable Procurement

- 12.1 The Corporation is committed to purchasing environmentally friendly deliverables with due regard to the protection of the environment and public health, conservation of natural resources, reductor of toxicity and the minimization of waste.
- 12.2 All Departments are encouraged to seek additional ways of achieving the goal of being environmentally friendly and responsible by thorough review of each procurement process to ensure that where possible and economically feasible, specifications/terms of reference, scope provide for, expanded use of deliverables that contain post-consumer recyclable content.
- 12.3 Consideration of products, certified by an independently accredited organization, that prevent the overconsumption of energy and other resources and reduce the production of waste, and release of substances harmful to the environment and or

public health.

- 12.4 Consideration of energy efficiency and water conservation where applicable, and;
- 12.5 Consideration of Leadership in Energy and Environmental Design (LEED) for new buildings and renovations.

#### **13 Exclusion of Bidders in Litigation**

- 13.1 The Corporation reserves the right to reject bids from suppliers or their subcontractors engaged in active litigation with the Corporation.
  - 13.1.1 The exclusion shall not apply in cases where the litigation is unrelated to contract performance or financial disputes AND the supplier has previously performed satisfactorily in municipal projects.
- 13.2 For the purposes of this section, the phrase "party to litigation with the Corporation" includes cases in which the bidder or prospective bidder or any of the parties named above, have advised the Corporation in writing of their intention to commence litigation, or have commenced or have advised the Corporation of their intention to commence an arbitral proceeding against the Corporation.
- 13.3 In determining whether or not to reject a bid under this section, the Corporation will consider whether the litigation is likely to affect the bidder's ability to work with the Corporation, its consultants and representatives, and whether the Corporation's experience with the bidder in the matter giving rise to the litigation indicates that the Corporation is likely to incur increased staff or legal costs in the administration of the contract if it is awarded to the bidder.
- 13.4 All bid solicitation documents issued by the Corporation pursuant to this By-law shall contain a statement to the effect described above.

#### **14 Conduct and Conflicts of Interest**

- 14.1 A conflict of interest arises where a personal or business relationship or interest of a Councillor, officer, committee member or employee of the Corporation is in conflict or is perceived to be in conflict with the best interest of the ratepayers of the Corporation, and includes, the giving or receiving of personal gain, benefit, privilege, or advantage, directly or indirectly, by a business or individual or family member of an individual that provides or could in future provide goods and services to the Corporation.
- 14.2 The acceptance of gift, money, benefit, favour or hospitality, the frequency or nature of which could be deemed by others as an influential factor related to any business decision that a Councillor, officer, committee member or employee of the Corporation

might make, is prohibited. Anyone participating in procurement activities and decision-making on behalf of the Corporation must disclose all potential conflicts of interest to the CAO.

14.3 The corporation is committed to acting ethically in all its procurement activities.

## 15 Reward Points/Loyalty Programs

15.1 When procuring goods and services on behalf of the Corporation, staff may not acquire or accumulate points through loyalty programs such as Air Miles, Aeroplan, etc., either directly or indirectly, unless the benefit accrues to the Corporation.

## 16 Supplier Conduct and Conflict of Interest

16.1 The Corporation expects its suppliers to act with integrity and conduct business in an ethical manner.

16.2 All bidders must certify that they have not colluded with competitors to fix prices, divide contracts, or manipulate bid outcomes.

16.3 Any supplier found guilty of bid-rigging, price-fixing, or anti-competitive behaviour under the Competition Act shall be disqualified from future procurements for a period of up to five (5) years.

16.4 The Corporation may refuse to do business with any supplier that;

- has engaged in illegal or unethical bidding practices
- has an actual or potential conflict of interest
- has an unfair advantage in the procurement process
- fails to adhere to ethical business practices

16.5 The Corporation reserves the right to terminate contracts if evidence of collusion emerges after award.

## 17 Risk Management

### 17.1 Insurance

17.1.1 Contracts must require the supplier to maintain insurance coverage sufficient to protect the Corporation.

17.1.2 The appropriate insurance coverage will be determined by the Procurement department

17.1.3 The Procurement department is responsible for obtaining proof of insurance coverage from the supplier prior to execution of the contract.

17.1.4 Where a supplier will be providing services on the Corporation's property, the Procurement department is responsible for obtaining a WSIB clearance certificate from the supplier prior to any work commencing on the contract.

## 17.2 Contract Management

17.2.1 It is the responsibility of the applicable Department Head to manage the Contract. Contract management shall include monitoring, documentation, invoice approvals and communication.

## 17.3 Bonds and Financial Security

To mitigate financial risk and ensure contract performance, the Corporation may require bonds or other financial securities as part of the procurement process. Bonds serve as a guarantee that the awarded contractor will fulfill their contractual obligations.

### 17.3.1 Bid Bonds

17.3.1.1 Bid Bonds are required only when explicitly stated in the bid solicitation documents.

#### 17.3.1.2 Conditions Where Required

Where a Bid Bond is required by the procurement documents, the following conditions shall apply:

- a) The bid bond amount shall be 5% of the bid price.
- b) It must be submitted as either an original signed surety bond or an irrevocable letter of credit from a recognized Canadian financial institution.
- c) Bids submitted without the required bid bond shall be deemed non-compliant and may be rejected.

#### 17.3.1.3 Forfeiture Conditions

A Bid Bond may be forfeited if the successful bidder:

- Bid withdrawal after award.

- Refuses to enter into a contract.
- Fails to provide the required performance and/or labour/material bonds.

#### 17.3.1.4 A bid bond is returned if:

- The bidder is unsuccessful.
- The procurement process is cancelled prior to bid closing.
- The contract is cancelled before execution for reasons beyond the bidder's control.

### 17.3.2 Performance Bonds

Performance Bonds are required only if explicitly stated in the bid solicitation documents.

#### 17.3.2.1 Requirements When Applicable:

- a) The Performance Bond amount shall be 50% of the total contract price.
- b) The Corporation reserves the right to increase or decrease this amount based on project risk and funding requirements.
- c) The Performance Bond must remain valid for the full duration of the contract and any applicable warranty period.
- d) The bond must be submitted as an original signed surety bond or an irrevocable letter of credit from a recognized Canadian financial institution.

#### 17.3.2.2 Claim Conditions

A Performance Bond may be claimed by the Corporation if the contractor:

- a) Fails to complete the work within the contractual timeline.
- b) Fails to meet quality, safety, or compliance standards.
- c) Defaults on the contract due to financial insolvency, abandonment, or other issues.

#### 17.3.2.3 Release of Performance Bond

The Corporation will release the bond upon:

- a) Successful completion of the project, as verified by the Corporation through a contract evaluation process.
- b) Submission of final inspections, approvals, and required documentation.
- c) If applicable, completion of the deficiency or warranty period specified in the contract.

#### 17.3.3 Labour and Material Payment Bonds

Labour and Material Payment Bonds are required only if explicitly stated in the bid solicitation documents.

##### 17.3.3.1 Requirements When Applicable:

- a) The Bond shall be 50% of the total contract value.
- b) It must be submitted as an original signed surety bond or an irrevocable letter of credit from a recognized Canadian financial institution.
- c) The Corporation may require a Statutory Declaration of Payment from the contractor before final payments are released, ensuring all subcontractors and suppliers have been compensated.

##### 17.3.3.2 Claims and Protections

- a) If subcontractors or suppliers are unpaid, they may file a claim against the Labour and Material Bond within 90 days of last work performed or materials supplied.
- b) If subcontractors file a lien against the Corporation due to non-payment, the Corporation may enforce the Labour and Material Bond to clear the encumbrance.
- c) The Corporation reserves the right to withhold contractor payments until the lien is resolved.
- d) The Corporation is not liable for disputes between the contractor and its subcontractors but retains the right to withhold payments if non-payment issues arise.

#### 17.3.4 Bond Submission and Surety Requirements

- 17.3.4.1 Bonds must be submitted as an original signed surety bond or an irrevocable letter of credit from a recognized Canadian financial institution.
- 17.3.4.2 The Corporation reserves the right to reject bonds from unlicensed or unrecognized sureties.
- 17.3.4.3 Bonds must be valid for the duration of the contract plus any warranty period as specified in the contract terms.

#### 17.3.5 Surety Obligations

- 17.3.5.1 Surety providers must initiate an investigation within 10 business days of receiving a claim and provide a resolution plan within 30 days.
- 17.3.5.2 If the surety fails to act within the specified timeframes, the Corporation may pursue legal action to recover damages.

#### 17.3.6 Alternative Security

- 17.3.6.1 The Corporation may waive bonding requirements at its discretion, particularly for:
  - a) Low-risk contracts.
  - b) Contracts with pre-qualified contractors.
- 17.3.6.2 Alternative Security may be accepted in lieu of a bond, such as:
  - a) A cash deposit held in escrow.
  - b) Any other financial guarantee approved by the Corporation.
- 17.3.6.3 Alternative security must be equal to the required bond amount and subject to the same release conditions as bonds.

#### 17.4 All contracts above \$100,000 shall undergo a supplier performance review upon completion.

- 17.4.1 Procurement staff and Department Head will evaluate the supplier based on quality, timeliness, contract compliance, and customer service.

17.4.2 Unsatisfactory performance may result in a supplier warning, contract non-renewal, or disqualification from future bids for up to 3 years.

## 18 Access to Information

18.1 The disclosure of information received from suppliers in connection with a competitive bidding process or contract shall be made only by the appropriate officers in accordance with the provisions of the Municipal Freedom of Information and Protection of Privacy Act, as amended, or as may otherwise be required by law.

## 19 Surplus Goods and Equipment

19.1 No asset shall be declared to be surplus if it can be used by any other Department, Board or commission of the Corporation.

19.2 Surplus assets with an estimated fair market value of \$5,000 or more may only be declared surplus and disposed of by Council resolution.

19.3 All surplus assets will be disposed of to the best possible monetary advantage of the Corporation. These assets shall be disposed of at or near fair market value, as nearly as may be possible, and such value may be established with the aid of a qualified appraiser where deemed necessary.

19.4 No employee of the Corporation shall be allowed to bid on, purchase or otherwise acquire any surplus asset being disposed of by the Corporation except as noted in Section 19.6, unless approved by Council.

19.5 Further to section 19.2, surplus assets with a monetary value of \$5,000 (five thousand dollars) or more shall be disposed of at Council's discretion, in a manner that is reasonable, transparent, and in the Municipality's best interest, while ensuring disposal is at or near fair market value.

### 19.5.1 **Municipal Property (equipment, vehicles, materials)**

The Municipality may determine the most appropriate method of disposal, which may include, but is not limited to:

- Sealed public tender
- Public Auction
- Trade-in on new equipment
- Sale to another public body
- Other method deemed appropriate
- When a public sale is undertaken, notice shall be given to the public by at least one electronic method and one print method, which may

include:

- Advertising in the Municipal Newsletter.
- Advertising in the Ontario Gazette.
- Any other means of communication, which is deemed, appropriate.

#### **19.5.2 Real Property (Including Buildings)**

19.5.2.1 All land and any buildings, structures, or fixtures thereon owned by the Municipality shall be disposed of in accordance with the By-law governing the sale and other disposition of real property.

19.6 Surplus assets, that have a monetary value of \$4,999 (four thousand nine hundred and ninety-nine dollars) or less, shall be disposed of in the following manner:

19.6.1 The Department Head shall complete a Request for Disposal of Capital Asset form (attached hereto as Schedule "A").

19.6.1.1 The completed form shall be submitted to the Treasurer or CAO for approval prior to any disposal action being taken.

19.6.2 Upon receiving written approval, the Department Head may dispose of the asset using the following methods in the order listed, proceeding to the next method only if the previous method is not possible or practical:

- (i) Offer the asset for purchase to any employee within that department. If more than one employee requests to purchase the asset, the successful purchaser shall be drawn by lot;
- (ii) If the asset is not purchased within the department, offer it to employees or staff from another department within the Municipality. If more than one employee requests to purchase the asset, the successful purchaser shall be drawn by lot;
- (iii) If the asset is not purchased under (i) or (ii), the surplus asset may be disposed of at the discretion of the Supervisor.

#### **20 General**

No deviations from the approved Municipal Annual Budget shall be processed through these policies and practices without a prior By-Law or Resolution of the Municipal Council, except in an emergency as provided for in this By-Law.

#### **21 Schedules**

- 21.1 The following schedules form part of this By-law:
- 21.2 Schedule “A” – Request for disposal of capital asset
- 21.3 Schedule “B” - Award Authority
- 21.4 Schedule “C” - Exclusions
- 21.5 Schedule “D” – Bid Irregularities



Schedule "A" to By-Law No. 05-2026

**REQUEST FOR DISPOSAL OF CAPITAL ASSET**

Date:

Department:

Asset Description:

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Details:

Manufacturer:	Serial No:
Model:	Style:
Estimated Value: \$	

Method of Disposal:

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Date of Disposal:

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Notes/Comments:

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<u>Employee – Option to Purchase</u>	
Employee Name(s):	
Sold to:	
Department Head Signature:	
<i>(subject to the provisions of Sections 19.4 &amp; 19.6)</i>	

Signature – Department Head

Signature – Treasurer/CAO

*Distribution:*

*Original - Master File*

*Copy (1) - Department Head*

*Copy (2) - Accounting*

## Schedule "B" to By-Law No. 05-2026

### Approval Authority Schedule

Title	Operating Expenditures (Purchase or Payment Requisition, or Request for a contract)	Capital Projects
<b>Council</b>	Required if total forecasted project cost exceeds the <i>entire</i> approved operating budget.	Required if total forecasted project cost exceeds the approved capital budget for that item by more than 10%, is not budgeted <b>OR</b> total forecasted contract amount exceeds \$1,000,000
<b>Chief Administrative Officer AND Treasurer</b>		Up to \$999,999.99, <b>AND</b> within 110% of individual item approved budget (scope unchanged).
<b>Chief Administrative Officer OR Treasurer</b>	Unlimited, within approved operating budget in its entirety	
<b>Senior Management Team</b>	\$10,000-\$24,999	\$25,000-\$99,999
<b>Department Head</b>	Up to \$9,999	Up to \$24,999

	Procurement Method	Agreement Type (how do you commit to it)
<b>0-9,999</b>	Direct Purchase	Credit Card/P-card/Open PO (limited to a single transaction of \$999.99)/PO if required
<b>10,000-49,999</b>	Formal Quote	PO
<b>50,000-99,999</b>	Invitational RFQ/RFP	PO
<b>100,000+</b>	Public RFP/ITT	PO/Contract If contract used, PO is administrative only

#### Notes:

1. All Operational items that are overbudget on its particular budget line shall be approved by the Treasurer and/or the CAO.
2. Approval, for the purposes of this By-law, refers to the formal authorization process to proceed with a procurement decision, including the authority to execute any resulting purchase order or contract, in accordance with Schedule "B" – Approval Authority.
3. Approval Authority does not override procurement method requirements.



#### 4. Schedule "C" to By-Law No. 05-2026

##### Exceptions & Exclusions

1 Exclusions are procurements not covered by trade agreements, under their non-application provisions (CFTA Annex 502.4; CETA Article 19.2).

1.1 Section 8, Methods of Procurement, and Section 7.1, Purchase Orders, do not apply to Exclusions.

1.2 All exclusions remain subject to Section 5, Authorization, and Schedule B – Approval Authority.

1.3 The following categories are considered Exclusions:

###### 1.3.1 Refundable Employee/Council Expenses

- Advances
- Meal allowances
- Travel
- Per diem payouts

###### 1.3.2 Employer's General Expenses

- Payroll deduction remittances
- Employee benefits
- Licences (vehicle, firearm, professional, etc.)
- Debenture payments
- Grants to agencies
- Damage claims
- Tax remittances

###### 1.3.3 Employment Contracts

###### 1.3.4 Professional and Special Services

- Auditing fees
- Committee fees
- Financial services
- Health or Social services
- Insurance costs
- Legal fees and other professional services related to litigation
- Services that, under applicable law, may only be provided by licensed lawyers, medical doctors, dentists, nurses, pharmacists
- Realty services regarding lease, acquisition, demolition, sale, disposal, or appraisal of real property
- Telecommunications and Utilities

### 1.3.5 Other Services

- Bailiff collection agencies
- Purchases from other government agencies
- Contracts with a public body or non-profit organization
- Procurement from philanthropic institutions or persons with disabilities
- Goods whose interprovincial movement is restricted by law

2 Exceptions are procurements covered by trade agreements but eligible for limited tendering if justified under the permitted circumstances (CFTA Art. 513; CETA Art. 19.12).

2.1 When an Exception is used, Section 9, Limited Tendering, applies, including the requirement for a documented justification for purchases over \$5,000.

2.2 A purchase order is required in accordance with Schedule “B” – Approval Authority.

2.3 The following categories are considered Exceptions:

#### 2.3.1 Training and Education

- Registration & Tuition fees for conferences, conventions, courses, seminars, workshops, trade shows
- Magazines, books, periodicals
- Memberships

#### 2.3.2 Refundable Employee/Council Expenses

- Entertainment
- Miscellaneous – non-travel

#### 2.3.3 Professional and Special Services

- Advertising services / media placement
- Hardware/Software licensing & support services
- Veterinary expenses
- Road construction design services (continuation of existing engineering work)
- Vehicle repairs completed by the shop performing the inspection or maintenance (provided the initial service was procured in accordance with this By-law)
- Works of art & performance artists

#### 2.3.4 Goods intended for resale including retail operations



## Schedule "D" to By-Law No. 05-2026

### Bid Irregularities

Item	Description	Major Irregularity	Minor Irregularity	Action
1	Late bid submission (by any amount of time)	X		Automatic Rejection
2	Bid completed in pencil	X		Automatic Rejection
3	Insufficient financial security (no bid security, agreement to bond, insufficient bid bond or agreement to bond)	X		Automatic Rejection
4	Bid forms not signed or signed in an erasable medium or containing correction fluid	X		Automatic Rejection
5	All Addendum(s) not acknowledged (if issued)		X	48 hours to correct and initial changes
6	Proper response envelope or label not used/Envelope does not indicate project name		X	Acceptable if received on time
7	All required sections of bid documents not completed	X or	X	Automatic Rejection unless the incomplete nature is trivial or insignificant and the Corporation's discretion
8	Bidders not attending mandatory site meeting (if required)	X		Automatic Rejection
9	Unsealed Tender Envelopes	X		Automatic Rejection
10	Pricing or signature pages missing	X		Automatic Rejection
11	Bid received on documents other than those provided in request	X		Automatic Rejection
12	EXECUTION OF BID DOCUMENT: a) Proof of authority to bind is missing b) Surety Company not licensed in Ontario c) Corporate Seal or equivalent proof of authority to bond missing	X		Automatic Rejection

13	Bids containing minor clerical errors		X	48 hours to correct initial errors. The Corporation reserves the right to waive initialing and accept bid.
14	Uninitialed changes to the request documents which are minor (ie. The bidder's address is amended by overwriting but not initialed)		X	48 hours to initial. The Corporation reserves the right to waive initialing and accept bid.
15	Alternate items bid in whole or in part		X	Available for further consideration unless specified otherwise in request.
16	Unit prices in the schedule of prices have been changed but not initialed		X	48 hours to correct initial errors. The Corporation reserves the right to waive initialing and accept bid.
17	Other mathematical errors which are not consistent with the unit price		X	48 hours to correct initial errors. Unit prices will govern.
18	Pages requiring completion of information by vendor are missing	X		Automatic Rejection
19	Bid documents which suggest that the bidder has made a major mistake in calculations or bid			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 Department Head, in consultation with the Treasurer, will review minor irregularities not listed. The Department Head may then accept the bid, or request that the bidder rectify the deviation.