

**THE CORPORATION OF THE TOWNSHIP OF CHISHOLM**

**BY-LAW No. 2014-32**

**Being a by-law to govern Procurement  
Policies and Procedures for the Township of Chisholm**

**WHEREAS** Section 271 of the Municipal Act, 2001 imposes upon municipalities the obligation to adopt policies with respect to the procurement of Goods and Services;

**AND WHEREAS** this By-Law establishes the authority and sets out the methods by which Goods, Services or Construction will be purchased and disposed of for the purposes of the Township of Chisholm subject to certain exceptions set out herein;

**NOW THEREFORE** the Council of the Corporation of the Township of Chisholm **ENACTS AS FOLLOWS:**

**PART 1 - SHORT TITLE**

1.1 This by-law may be cited as the “Purchasing By-Law”.

**PART 2 – DEFINITIONS**

2.1 In this By-law:

- a) “*Agreement*” means a legal document that binds the Corporation of the Township of Chisholm and all other parties, subject to the provisions of the contract.
- b) “*Authority*” or “*Authorized*” means the legal right to conduct the tasks outlined in this By-law as directed by Council. Authorized purchases are those that have prior approval of Council either through resolution, By-law or through the departmental budget.
- c) “*Award*”, “*Awarded*” and “*Awarding*” means authorization to proceed with the purchase of goods, services or construction from a chosen supplier.
- d) “*Bid*” means an offer or submission by a supplier in response to a bid solicitation.
- e) “*Bid Irregularity*” means a deviation between the requirements (Terms, conditions, specifications, special instructions) of a bid request and the information provided in a bid response.
- f) “*Clerk-Treasurer*” means the Clerk-Treasurer for the Corporation of the Township of Chisholm.
- g) “*Contract*” means a legally binding agreement between two or more parties, regardless of form or title, for the lease, purchase or disposal of Goods, Services or Construction authorized in accordance with this by-law.
- h) “*Conflict of interest*” refers to a situation in which private interests or personal considerations may affect Council’s or an employee’s judgment in acting in the best interests of the Township of Chisholm. It includes using the position, confidential information or corporate time, material or facilities for private gain or advancement or the expectation of private gain or advancement. A conflict of interest may occur when an interest benefits any member of the Council’s or the employee’s family, friends or business associates.
- i) “*Council*” means the Council of the Corporation of the Township of Chisholm.

- j) “*Council approved budget*” means Council approved department budgets including authorized revisions.
- k) “*Department Manager*” means the Manager or person in charge of an organizational unit of the Corporation of the Township of Chisholm.
- l) “*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 Township of Chisholm, or to prevent serious damage, disruptions of work, or to restore or to maintain essential services to a minimum level.
- m) “*Goods*” means moveable property including:
  - (a) The cost of installing, operating, maintaining or manufacturing such moveable property;
  - (b) Raw materials, products, equipment and other physical objects of every kind and description.
- n) “*In house bid*” means a bid made by a Department and authorized by the Manager of that Department, submitted in response to a bid solicitation, where the provision of Goods, Services or Construction will be provided entirely by the employees of the Township of Chisholm.
- o) “*Lowest compliant bid*” means the bid that would provide the Township of Chisholm with the desired goods, services or construction at the lowest total acquisition cost, and meets all the specifications and contains no irregularities requiring automatic rejection.
- p) “*Professional services*” means persons having a specialized knowledge or skill for a defined service requirement including:
  - (a) architects, engineers, designers, management and financial consultants; and
  - (b) firms or individuals having specialized competence in environmental, planning or other disciplines.
- q) “*Proposal*” means an offer submitted in response to a request for proposal, acceptance of which may be subject to further negotiation.
- r) “*Request for proposal*” means a bid solicitation that is used to acquire goods, services or construction, the suitability of which is dependent upon non-price factors and which may result in further negotiation between the parties.
- s) “*Quotation*” means an offer to sell goods and services to the Township or an offer to purchase surplus goods from the Township.
- t) “*Real property*” means land or buildings and any interest, estate or right of easement affecting same.
- u) “*Services*” includes all professional and consulting services, all services in relation to real property or personal property including without limiting the foregoing the delivery, installation, construction, maintenance, repair, restoration, demolition or removal or personal property and real property and all other services or any nature and kind save and except only services to be delivered by an officer or employee of the Township of Chisholm in accordance with terms of employment.
- v) “*Single source*” means there is more than one source in the open market but only for reasons of function or service one vendor is recommended for consideration of the particular goods and/or services.
- w) “*Sole source*” means the procurement of a good or service that is unique to a particular vendor and cannot be obtained from another source without undue hardship or inconvenience.

- x) “*Tender*” means a publicly advertised bid solicitation.
- y) “*Total acquisition cost*” means an evaluation of quality and service in the assessment of a bid and the sum of all costs, time of completion or delivery, inventory carrying costs, operating and disposal costs for determining the lowest compliant bid.
- z) “*Township*” and “*Township of Chisholm*” means the Corporation of the Township of Chisholm.

**PART 3 - PURPOSES, GOALS AND OBJECTIVES**

The purposes, goals and objectives of the By-law and of each of the methods of *procurement authorized* are:

- a) To encourage competition among suppliers;
- b) To maximize savings for the taxpayers of the *Township of Chisholm*;
- c) To *procure by purchase*, rental or lease the required quality and quantity of *goods, services or construction* including professional and consulting services in a timely and cost effective manner;
- d) To ensure service and product delivery, quality, efficiency and effectiveness;
- e) To ensure fairness among bidders;
- f) To ensure openness, accountability and transparency while protecting the financial best interest of the *Township of Chisholm*;
- g) To have regard to the accessibility of persons with disabilities to the *goods, services and construction* purchased by the *Township of Chisholm*;
- h) To attempt to reduce the amount of solid waste requiring disposal through the purchase of environmentally responsible goods and services.

**PART 4 - GENERAL PROCUREMENT POLICY**

**4.1 APPLICATION**

The procedures in this by-law shall be followed to *award a contract*, to recommend to *Council* that a *contract* be *awarded* and for the purchases of *goods, services and construction* except for the following *goods and services*:

- a) Training and Education
  - Conferences
  - Courses
  - Conventions
  - Memberships
  - Periodicals
  - Magazines
  - Staff training
  - Staff development
  - Staff workshops
  - Subscriptions
- b) Refundable Employee/*Council* Expenses
  - Advances
  - Meal allowances
  - Travel and Hotel accommodations
  - Miscellaneous non-travel
- c) Employer’s General Expenses
  - Payroll deduction remittances
  - Medical
  - Licenses (radio)
  - Photocopy charges

- Prior approved leases and rentals
  - Debenture payments
  - Grants to agencies
  - Damage claims
  - Tax remittance
  - Insurance premiums
  - Charges to/from other Government or Crown Corporations
  - Salaries and wages
  - Postage and courier costs
- d) Professional and Special Services
- Committee and Board fees
  - Witness fees
  - Annual levy of local boards and commissions
  - Honoraria
  - Arbitrators
  - Legal fees and other *Professional Services* related to litigation or legal matters
  - Funeral and Burial expenses
  - Annual auditing fees
  - Financial Services and Bank charges
  - Veterinary expenses
- e) Utilities
- Telephone and communication services
  - Internet services
  - Hydro
  - Furnace oil
- f) Equipment Maintenance
- Fuel, gasoline, lubes and oil
  - Routine maintenance
  - Repairs as a result of certification
  - Licences
- g) Advertising Services required by the *Township of Chisholm* or in but not limited to radio, newspaper and magazines.
- h) Bailiff or collection agencies
- i) Septic maintenance

4.1.2 The purchase of the *goods* and *services* listed in Subsection 4.1.1 to this By-law may be made provided that sufficient funds are available and identified in appropriate accounts within the *Council approved budget*.

## 4.2 RESTRICTIONS

4.2.1 No *contract* for *goods, services or construction* may be divided into two or more parts to avoid the application of the provisions of this By-law.

4.2.2 No *contract* for *services* shall be *awarded* where the *services* would result in the establishment of an employee-employer relationship.

4.2.3 No employee shall *purchase*, on behalf of the *Township of Chisholm*, any *goods, services or construction*, except in accordance with this By-law.

4.2.4 No member of *Council* shall independently approve nor acquire any *goods, services or construction* for the *Township of Chisholm*.

4.2.5 All *Council* members shall conduct themselves in accordance with the Municipal Conflict of Interest Act, R.S.O. 1990, c.M.50 as amended.

### **4.3 RESPONSIBILITY AND AUTHORITY**

4.3.1 *Department Managers* shall be responsible for and shall have *authority* for all *procurement* activity and decisions within their Departments and may delegate their *authority*, where appropriate.

4.3.2 In acquiring *goods, services and construction*, *Department Managers* shall ensure that:

- a) *Council approved budget* allowances are not exceeded without the approval, obtained in advance wherever possible, of the *Clerk-Treasurer* or the *Council*;
- b) *Contract* expiration dates and the progress of projects and acquisitions are monitored to ensure satisfactory completion; and
- c) Invoices *authorized* for payment are submitted to the *Clerk-Treasurer* or Deputy Clerk-Treasurer, are signed indicating that quantities and unit prices have been verified to be correct, *goods, services or construction* have been received and accepted; the proper department budget account the invoice should be charged to has been indicated on the invoice and the amounts comply with the *contracts, bids or quotations* received.
- d) *Contract* payments shall be subject to a 10% holdback provision, which shall be paid within 30 days after certification by the Corporation that the *contract* is complete.

4.3.3 *Department Managers* shall monitor compliance to the provisions of this By-law and the procedures adopted for its use. Failures to comply with the provisions of the by-law and the procedures, shall be reported to *Council*.

4.3.4 Any employee who intentionally and knowingly acquires or disposes of any *goods, services or construction* for the *Township of Chisholm* in contravention of any section of this By-law, as amended from time to time, shall be subject to disciplinary actions in accordance with the *Township's* policy and Collective Agreement.

4.3.5 All inquiries regarding materials, prices, services, delivery, terms, conditions and adjustments, are to be conducted by or through the *Department Managers*.

4.3.6 The *Department Managers* shall be responsible for maintaining good vendor relations and for the conduct of all negotiations with vendors, subject to the other provisions of this By-law. The *Department Managers* shall be provided with assistance from the *Clerk-Treasurer* or Deputy Clerk-Treasurer prior to the outset of calling *tenders*, in matters that require further expertise, and the *Clerk-Treasurer* or Deputy Clerk-Treasurer may authorize a request to undertake research into specific *goods, services* or suppliers.

### **4.4 GENERAL PROCUREMENT POLICY**

4.4.1 Except as otherwise stipulated, any purchase of *goods, services or construction* shall be made on a competitive basis, in keeping with the requirements of the By-law, and in accordance with the applicable federal, provincial and municipal laws.

4.4.2 Any commitments being made where it is recommended that a *contract* be executed by the *Mayor* and *Clerk-Treasurer* must first be approved by *Council*.

4.4.3 Department expenditures for the operating budget are *authorized by Council* each year and *Department Managers* are not *authorized* to exercise their *authority* to award a *contract* or expend these funds without the identification and availability of sufficient funds in appropriate accounts within the *Council approved budget*.

- 4.4.4 Authorization of capital work within the *Council approved budget* shall constitute authorization for any purchase of *goods, services or construction* necessary to carry out such work within the approved project costs provided such purchases are made in accordance with the requirements of this By-law. Where *tender prices, quotations or bids* exceed the *Council approved budget*, a report to *Council* must be submitted by the *Department Manager* seeking authorization to proceed with the work and expend additional funds over and above those originally approved.
- 4.4.5 Where this By-law prescribes dollar limits, the *total acquisition cost* shall be the estimated *total acquisition cost* including taxes less any rebates.
- 4.4.6 Where practical, specifications or terms of reference should be considered that are detailed but not brand specific to leave room for potential vendors to provide alternatives in the event an equal or better-proven product or method is available.
- 4.4.7 Where the *Township of Chisholm* contracts work out in an *agreement* with the private sector, the policies and procedures of the *Township* will prevail in all *tender, quotation and proposal* calls.
- 4.4.8 It will be the policy of the *Township of Chisholm*, wherever possible, to standardize the *procurement* of *goods, services or construction* to allow for:
- e) Reduced number of goods and services required;
  - f) Increased volume on common items or services;
  - g) Maximizing volume buying opportunities;
  - h) Providing economies of scale;
  - i) Reduced handling, training and storage costs;
  - j) Minimizing maintenance costs;
  - k) Co-operative purchasing activities;
  - l) Competitive *bid* results; and
  - m) Reduced overall cost.
- 4.4.9 Advertising for *tenders, quotations or proposals* estimated to be or exceed \$25,000.00 in *total acquisition cost* shall be placed in at least one local or area newspaper, at the discretion of *Council*.
- 4.4.10 All *Township* employees shall follow the guidelines as approved by *Council*, in adhering to the Policy as set out.
- 4.4.11 *Material Safety Data Sheets* must be maintained on file by the user department for all relevant products whether acquired through *tendering, quoting or the proposal* process.
- 4.4.12 When using the *privilege clause* which reads in part “the lowest or any *tender* may not necessarily be accepted”, the specific reasons may be stated why the *bids* may not be accepted.
- 4.4.13 No employee or elected official shall purchase or offer to purchase, on behalf of the *Township*, any *goods, services, or construction* except in accordance with this Policy.
- 4.4.14 When procuring goods, services and facilities, the *Township of Chisholm* will incorporate accessibility features. Where applicable, procurement documents will specify the desired accessibility criteria to be met. Where it is impractical for the *Township* to incorporate accessibility criteria and/or features when procuring or acquiring specific goods, services or facilities the *Township* will provide a written explanation.

To determine if any barriers, the product, services or facility might present for people with different types of disabilities, the following principles of accessibility should be considered:

- Accessible: can a person with a disability use the good, service or facility at all?
- Equitable: can someone with a disability use the good, service or facility as quickly and easily as a person without a disability?
- Adaptable: can a user configure the good, service or facility to meet their specific needs and preferences and will it work with common assistive technologies?

The following are some accessibility criteria to consider when procuring different types of goods or services:

Types of Purchases	Criteria to Consider
Goods	<ul style="list-style-type: none"> <li>- Can the item(s) be used by an individual:               <ul style="list-style-type: none"> <li>- in a seated position?</li> <li>- using one hand, with limited upper body strength, or limited fine motor skills?</li> <li>- with vision loss or low vision?</li> <li>- with hearing loss?</li> </ul> </li> <li>- Does the product meet ergonomic standards and can it be customized to meet a variety of needs?</li> <li>- Are support materials, such as manuals, training or service calls, available in accessible formats at no additional charge?</li> </ul>
Services	<ul style="list-style-type: none"> <li>- Does the firm provide accessible customer service, as required under the Customer Services Standard?</li> <li>- Can the service provider accommodate the needs of people of all abilities? For example, if you're hiring someone to conduct research, do their surveys and interviews accommodate people with different types of disabilities?</li> <li>- Will the company use accessible signage, audio and/or print materials? For example, if you're hiring an event coordinator, will they use high contrast signage for the event?</li> </ul>
Facilities	<ul style="list-style-type: none"> <li>- Can someone using a mobility aid, like a wheelchair or walker, get around the facility?</li> <li>- Are signs placed at an accessible height?</li> <li>- Does the facility have emergency procedures to assist people with disabilities?</li> </ul>

The *Township* is committed to the highest possible standards for accessibility. Suppliers must be capable to recommend and deliver, as appropriate for each deliverable, accessible and inclusive goods, services and facilities consistent with the Accessibility for Ontarians with Disabilities Act, 2005 (AODA) and its regulations in order to achieve accessibility for Ontarians with disabilities.

## 4.5 VENDOR PERFORMANCE

4.5.1 *Department Managers* shall complete a performance report on the performance of all vendors who complete any *contract* over \$25,000.

4.5.2 Any vendor whose evaluated performance is found to be lacking in any material respect, such as documented poor performance, non-performance or *conflict of interest* may, at the discretion of *Council*, be removed from the list of *bidders* for a period of up to two years. A written notice of the decision, by resolution of *Council*, will be provided to the vendor.

4.5.3 No *tender, proposal or quotation* will be accepted from any vendor, individual, firm or company inclusive of its subcontractor, which has a claim or instituted a legal proceeding against the *Township of Chisholm* or against whom the *Township of Chisholm* has a claim or instituted a legal proceeding with respect to any previous *contract*, without the prior approval by *Council*.

#### **4.6 IDENTICAL AND BID IRREGULARITIES**

4.6.1 If the *lowest compliant bids* from two or more bidders are identical in *total acquisition cost* or unit price, the successful bidder will be determined by lot.

4.6.2 The *Clerk-Treasurer* shall include each *bidder's* name on identical papers, and one name shall be drawn from a proper container by *Council*. The name drawn shall be considered the successful bidder.

4.6.3 The process for administering irregularities contained in the *bids* pertaining to all *contracts* shall be as set out in Schedule "A", the applicable response is set out opposite to the irregularity in the second column of Schedule "A".

### **PART 5 - METHODS OF PROCUREMENT**

5.1.1 The purchasing methods for the purchase of *Goods, Services or Construction* are as follows:

a) Petty Cash

Department Heads have been approved and provided with a Petty Cash fund in such an amount to meet the requirements of the Department for the acquisition of purchases not exceeding \$200.00. All petty cash fund disbursements shall be evidenced by receipts and shall be available for auditing purposes through the *Clerk-Treasurer*.

b) \$0 - \$10,000

Direct acquisition is acceptable, no other quotes required. Single or sole sourcing permitted within this price range for convenience and efficiency, as well as the use of Vendors of Record.

c) \$10,000 - \$75,000

Purchases shall be specifically identified in the annual budget. The *Department Manager* shall obtain two to three written *quotations*, where possible or practicable, *tender* or participate in a joint *tender* and submit a recommendation to *Council* for approval.

d) \$75,000 & Up

Upon *Council's* approval of a *Request for Quotation, Request for Proposals or Tender* document, the *procurement of goods and services* shall be obtained following the appropriate process as outlined in this By-law.

#### **5.2 IN HOUSE BIDS**

*In-House Bids* shall not be accepted in the tendering process.

#### **5.3 REQUEST FOR QUOTATION**

5.3.1 A minimum of three *quotations* (where possible) are to be received. If only one *quotation* is received, *Council* may exercise its right to cancel the call for *quotations*. *Quotations* are not formally opened in public nor is it necessary to disclose prices or terms at the time of submission.



## **5.4 REQUEST FOR PROPOSAL**

- 5.4.1 A *request for proposal* shall be used where one or more of the criteria for issuing a request for *quotation* cannot be met such as:
- a) owing to the nature of the requirement, suppliers are invited to propose a solution to a problem, requirement or objective and the selection of the supplier is based on the effectiveness of the proposed solution rather than on price alone; or
  - b) it is expected that *negotiations* with one or more bidders may be required with respect to any aspect of the requirement.
- 5.4.2 If required, a list of suggested evaluation criteria for assistance in formulating an evaluation scoring scheme using a standard *request for proposal* that includes factors such as qualification and experience, strategy, approach, methodology, scheduling and past performance, facilities, and equipment shall be prepared. Department Managers shall identify appropriate criteria from the list but are not limited to the standard criteria from the list.
- 5.4.3 A *request for proposal* shall be awarded by *Council* either by resolution of *Council* or by By-law.

## **5.5 REQUEST FOR TENDER**

- 5.5.1 *Council*, in consultation with the *Department Managers* and/or their respective Committees, shall issue a *Tender* for all approved projects based on defined requirements (specifications are available to readily compare products).
- 5.5.2 *Tenders* require a reply by a designated date and time, signed by a Corporation Officer, *authorized* to bind the corporation. Any requested *tender* deposits, security or bonds must be included with the submission. Replies are delivered directly to the Administration Department and are opened at a public meeting. If only one *tender* is received, the *Township* has the option of not opening the *bid* and closing the call for *tender*.
- 5.5.3 Each sealed *tender* received in response to a formal *tender* request is reviewed to determine whether a *bid* irregularity exists. Action is taken according to the nature of the irregularity.
- 5.5.4 Upon *Council's* approval, the *Clerk-Treasurer* shall ensure that a by-law authorizing a legally binding *agreement* is prepared.
- 5.5.5 The Administration Department is responsible for maintaining current insurance certificates and WSIB certificates, as called for in the *tender* documents.

## **5.6 SINGLE OR SOLE SOURCING**

- 5.6.1 *Single sourcing* is the *procurement* of a good or service from a particular vendor rather than through solicitation of bids from other vendors who can also provide the same item. Single sourcing may be the best course to take in some circumstances, but it is important to be transparent in the municipal/local board policies about the process for arriving at this *procurement* decision.
- 5.6.2 Sole sourcing is a procurement of a good or service that is unique to a particular vendor and cannot be obtained from another source.
- 5.6.3 *Single sourcing* and *sole sourcing* must be *authorized* by *Council* where the estimated *total acquisition cost* is greater than \$10,000 and this authorization must set out how this type of acquisition process meets the goals and objectives of this By-law.

## **5.7 UNSOLICITED PROPOSALS**

5.7.1 Unsolicited *proposals* received by the *Township of Chisholm* shall be reviewed by the *Department Manager* and the *Clerk-Treasurer*. Any *procurement* activity resulting from the receipt of an unsolicited *proposal* shall comply with the provisions of this By-law.

## **5.8 EMERGENCY PURCHASES**

5.8.1 Where an emergency exists requiring the immediate *procurement of goods, services or construction*, a *Department Manager* or the *Clerk-Treasurer* may purchase the required *goods, services and construction* by the most expedient and economical means, notwithstanding any other provisions of this By-law.

## **PART 6 - OTHER**

### **6.1 DISPOSAL OF SURPLUS GOODS**

6.1.1 Where any *goods* are surplus, obsolete or not repairable, they shall be declared surplus by the *Department Manager*.

6.1.2 When no other use can be found for these items in other Departments, they shall be disposed of, at the discretion of the *Department Manager*, through public auction, *tender or quotation*, whichever is in the best interest of the *Township*.

6.1.3 Where the item declared as surplus has a value of \$500 or less, the *Department Manager* may, to the benefit of the *Township*, dispose of the item in a manner other than the ones listed above.

6.1.4 Lands and buildings deemed to be surplus shall be disposed of in accordance with the provisions of the Municipal Act 2001, and the *Township of Chisholm* By-law 2002-06.

### **6.2 CONFLICT OF INTEREST**

6.2.1 The *Department Manager* or the *Clerk-Treasurer* shall not open and consider any *bid*, or otherwise acquire any *goods, services or construction* from an elected official, officer or employee of the *Township of Chisholm* unless the elected official, officer or employee obtains approval from *Council* prior to the close of the *bid* or the acquisition of the *goods, services or construction*.

6.2.2 Where an employee involved in the *award* of any *contract*, either on his or her own behalf or while acting for, by, with or through another person, has any pecuniary interest, direct or indirect, in the *contract*, the employee shall:

- a) immediately disclose the interest to the *Clerk-Treasurer* or *Council* as the case may be, and shall describe the general nature thereof;
- b) not take part in the *award* of the *contract*; and
- c) shall not attempt in any way to influence the *award* of the *contract*.

6.2.3 An employee has an indirect pecuniary interest in any *contract* in which the *Township of Chisholm* is concerned, if:

- a) the employee or his or her spouse or same-sex partner:
  - i) is a shareholder in, or a director or senior officer of, a corporation that does not offer its securities to the public that has a pecuniary interest in the *contract*;
  - ii) has a controlling interest in or is a director or senior officer of, a corporation that offers its securities to the public that has a pecuniary interest in the *contract*; or
  - iii) is a member of an incorporated association or partnership, that has a pecuniary interest in the matter; or

- b) the employee or his or her spouse or same-sex partner is in the employment of a person, unincorporated association or partnership that has a pecuniary interest in the *contract*.

6.2.4 All consultants (e.g.: architects, engineers, etc...)retained by the *Township of Chisholm* shall disclose to the *Township* prior to accepting an assignment, any potential *conflict of interest*. If such a *conflict of interest* does exist, *Council* may, at its discretion withhold the assignment from the consultant until the matter is resolved. If during the conduct of a *Township* assignment, a consultant is retained by another client giving rise to a potential *conflict of interest*, then the consultant shall so inform the *Township*.

6.2.5 All *Council* members shall conduct themselves in accordance with the Municipal Conflict of Interest Act, R.S.O. 1990,c.M.50, as amended.

6.2.6 No person, company, corporation or organization shall attempt in any way, either in private or in public, to influence the outcome of any *Township* purchasing or disposal process. The *bid, quotation or proposal* of any person, company, corporation or organization may be subjected to exclusion or suspension for a period of two years.

### **6.3 ACCESS TO INFORMATION**

6.3.1 The disclosure or information received relevant to the issue of *bid* solicitations or the *award of contracts* emanating from *bid* solicitations shall be in accordance with the provisions of the Municipal Freedom of Information and Protection of Privacy Act, as amended.

### **6.4 ADMINISTRATION**

6.4.1 This By-Law shall be reviewed prior to the end of each *Council* term and any amendment thereto shall be made prior to the inaugural meeting of the next *Council*.

6.4.2 The review shall determine how effective this By-Law has been in achieving the objectives set out in this By-Law as well as the requirements of the Municipal Act, 2001, as amended.

6.4.3 The review may be undertaken by an ad-hoc committee of *Council* along with *Department Managers*, the final result of which shall be comprised of a report to *Council*.

6.4.4 In this By-Law, unless the context requires otherwise, words importing the singular shall include the plural and words importing the masculine gender, shall include the feminine.

6.4.5 Schedules "A", "B", "C", and "D" attached hereto form part of this By-Law.

**READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS DAY OF \_\_\_\_\_, 2014.**

---

Mayor, Leo Jobin

---

Clerk-Treasurer, Linda Ringler

**SCHEDULE "A" TO BY-LAW 2014-32**

No.	IRREGULARITY	ACTION/RESPONSE
1	Late bids	Automatic rejection and not opened or read publicly.
2	Unsealed envelope	Automatic rejection
3	Insufficient Financial Security (No bid security or agreement to bond or insufficient bid bond or agreement to bond or certified cheque).	Automatic rejection
4	Bids completed and/or signed in erasable medium.	Automatic rejection
5	All required sections of bid document not completed.	Automatic rejection unless, in the consensual opinion of the Department Manager in charge of the bid solicitation and the Clerk-Treasurer, the incomplete nature is trivial or insignificant
6	Qualified bids (bids qualified or restricted by an attached statement).	Automatic rejection unless, in the consensual opinion of the Department Manager in charge of the bid solicitation and the Clerk-Treasurer, the qualification or restriction is trivial or insignificant.
7	Bids received on documents other than those provided or specified by the Township	Automatic rejection unless specified otherwise in the request.
8	Bids containing minor obvious clerical errors.	Two working days to correct and initial errors.
9	Failure to execute agreement to bond (sureties consent) or bonding company corporate seal or signature missing from agreement to bond	Automatic rejection
10	Failure to execute bid bond by bidder and bonding company.	Automatic rejection
11	Corporate seal of the bidder and bonding company missing.	Two working days to correct.
12	Corporate seal or signature missing on documents for execution; signatory's authority to bind the corporation or signature missing.	Two working days to rectify the situation.
13	Corporate seal and signature missing on documents for execution; signatory's authority to bind the corporation and signature missing.	Automatic rejection
14	Part bids (all items not bid).	Acceptable unless complete bid has been specified in the request
15	Bids containing minor clerical errors which includes mathematical errors which are not consistent with unit prices.	Two working days to correct and initial errors. Township reserves the right to waive initialing and accept bid.
16	Uninitialed changes to the request documents which are minor.	Two working days to correct and initial errors. Township reserves the right to waive initialing and accept bid.
17	Unit prices have been changed but not initialed and the contract totals are inconsistent with the price as changed.	Automatic rejection.
18	Any other irregularities.	The Department Manager in charge of the bid solicitation and the Clerk-Treasurer acting in consensus shall have the authority to waive other irregularities or grant two working days to initial such other irregularities which they jointly consider to be minor.
19	Documents, in which all necessary addenda, which have financial implication, have not been acknowledged.	Automatic rejection.
20	Any other major irregularities such as missing pricing or signature pages.	Automatic rejection.

## SCHEDULE "B" TO BY-LAW 2014-32

### REQUEST FOR QUOTATIONS

1. **REQUESTS FOR QUOTATIONS** may be called, by the way of public advertising or invitational bid, as outlined in the Township's Procurement Policy.
2. The Department Manager, Clerk-Treasurer, and or other Municipal Staff, will initiate the request for quotations process by preparing documents for Council's review, providing the following information:
  - budget allocation;
  - description of work or supplies; and
  - recommended closing date.
3. Council will be provided with at least a 24 hour review period prior to the documents going out for quotations. Following Council's approval all request for quotations will be sent to known suppliers.
4. The closing date is usually fifteen (15) calendar days after date of issue. However, a request for quotation may be closed in a shorter or longer period of time depending on the urgency or complexity of the item(s).
5. The request for quotation documents will be provided by the Administration Department.
6. Request for quotation documents will be returned to the Administration Department.
7. The Clerk-Treasurer will refuse to accept any request for quotation that is:
  - received after the time specified closing deadline; or
  - submitted after a request for quotation has been cancelled.
8. Request for withdrawal of a request for quotation shall be allowed if the request is made before the closing time for the contract to which it applies. Requests for withdrawal must be directed to the Clerk-Treasurer by a letter submitted from a Senior Official of the company. Telephone requests will not be considered. The withdrawal of a request for quotation does not disqualify a bidder from submitting another request for quotation on the same contract.
9. Quotations shall be considered by the Department Manager seeking the quotation, and a recommendation shall be put forward to Council for consideration at a public meeting.
10. Council shall evaluate all quotations received on the basis of quantitative and qualitative measures. Request for quotation documents may be reviewed by either a consulting engineer or the municipal solicitor, at Council's discretion.
11. Once an award is made by Council, the report recommending an award shall be a matter of public record. Request for quotation results shall be made public by resolution of Council.

## SCHEDULE "C" TO BY-LAW 2014-32

### REQUEST FOR PROPOSAL PROCESS

1. **REQUESTS FOR PROPOSALS (RFP'S)** may be called, by way of public advertising or invitational bid, as outlined in the Township's Procurement Policy.
2. The Department Manager, Clerk-Treasurer, and/or other Municipal Staff will initiate the RFP process by preparing documents for Council's review, providing the following information:
  - budget allocation;
  - description of work or supplies; and
  - recommended closing date.
3. Council will be provided with at least a twenty-four hour review period. Following Council's approval all public RFP'S may be advertised in The North Bay Nugget or the Almaguin News, or both, at Council's request. Advertisement must include the following information (if applicable); site meeting time/date/locations, contact names for technical and purchasing inquiries, document fee (if applicable), and location for pick up and drop off of proposal documents.
4. The closing date is usually fifteen (15) calendar days after date of issue. However, an RFP may be closed in a shorter or longer period of time depending on the urgency or complexity of the item(s).
5. The RFP document shall be available from the Clerk-Treasurer, Township of Chisholm, 2847 Chiswick Line, Chisholm Township.
6. RFP submissions must be addressed to the Clerk-Treasurer, Township of Chisholm, and the Administration Department will receive all sealed submissions and issue a date and time-stamped receipt, if requested.
7. The Clerk-Treasurer will refuse to accept any request for proposal submission that is:
  - not sealed;
  - received after the time specified closing deadline; or
  - submitted after a request for proposal has been cancelled.
8. Requests for withdrawal of a RFP shall be allowed if the request is made before the closing time for the contract to which it applies. Requests for withdrawal must be directed to the Clerk-Treasurer by a letter submitted from a Senior Official of the company. Telephone requests will not be considered. The withdrawal of a RFP does not disqualify a bidder from submitting another RFP on the same contract.
9. Proposals shall be opened at a public meeting on the specified day for registration of requests, or at such time as may be set out in the RFP.
10. Council shall evaluate all proposals received on the basis of quantitative and qualitative measures. RFP documents may be reviewed by either a consulting engineer or the municipal solicitor, at Council's discretion.
11. Once an award is made by Council, the report recommending an award shall be a matter of public record. RFP results shall be made public by resolution of Council.

**SCHEDULE "D" TO BY-LAW NO. 2014-32**  
**REQUEST FOR TENDER PROCESS**

1. Tenders will be called for all work, equipment, and materials with a value determined by Council by way of public advertising or invitation bid, as outlined in the Township's Procurement Policy.
2. The Department Manager, Clerk-Treasurer, and/or other Municipal Staff, will prepare a draft advertisement and tender document for Council's review, providing the following information:
  - budget allocation;
  - description of work supplies; and
  - recommended closing date.
3. Council will be provided with at least a twenty-four hour review period. Tender documents may be reviewed by either a consulting engineer or the municipal solicitor, at Council's discretion.
4. All public tenders will be advertised in both the North Bay Nugget and the Almaguin News.
5. Advertisements must include the following information (if applicable): site meeting, time/date/location, contact names for technical and purchasing inquiries, document fee (if applicable), and location for pick up and drop to tender documents.
6. The closing date is usually fifteen (15) calendar days after date of issue. However, a tender may be closed in a shorter or longer period of time depending on the urgency or complexity of the item(s) being tendered.
7. Advertised tender packages are available from the Administrative Department, 2847 Chiswick Line, Chisholm Township. The tender fee (if applicable) is paid to the Administrative Department and information is recorded from bidder as documents are picked up. A copy is available for viewing prior to purchase.
8. All tender submissions must be addressed to the Clerk-Treasurer, Township of Chisholm, and returned in the envelope provided with the tender package. The Administrative Department will receive all sealed tender submissions and issue a date and time-stamped receipt.
9. The Clerk-Treasurer will refuse to accept any tender submission that is:
  - not sealed;
  - received after the time specified closing deadline; or
  - submitted after a tender had been cancelled.
10. Requests for withdrawal of a tender shall be allowed if the request is made before the closing time for the contract to which it applies. Requests for withdrawal must be directed to the Clerk-Treasurer by a letter submitted from a Senior Official of the company. Telephone requests will not be considered. The withdrawal of a tender does not disqualify a bidder from submitting another tender on the same contract.
11. Tender will close and be opened publicly at a time determined by Council and specified in the tender documents. Tender results shall be made public by resolution of Council.
12. Each tender is reviewed, tabulated and evaluated by the Department Manager and the Clerk-Treasurer to determine whether an irregularity exists, and action is taken according to the nature of the irregularity as outlined in Schedule "A" to this by-law.
13. A report initiated by the issuing Department Manager and the Clerk-Treasurer shall be prepared for Council's consideration and approval. Following Council's approval, the Clerk-Treasurer shall prepare an agreement for the work, equipment and materials.