

**THE CORPORATION OF THE TOWN OF ENGLEHART
BY-LAW 2017-17**

BEING A BY-LAW of the Corporation of the Town of Englehart governing procurement policies and procedures:

Table of Contents

	Page
PART I – SHORT TITLE	3
Section 1	3
PART II – PURPOSES, GOALS AND OBJECTIVES	3
Section 2	3
PART III – DEFINITIONS AND SCHEDULES	4
Section 3	4
PART IV – GENERAL PROCUREMENT POLICY	5
Section 4: Application	5
Section 5: Restrictions	6
Section 6: Total Acquisition Costs	7
Section 7: Prescribed Council Approval	7
Section 8: Responsibilities and Authorities	7
Section 9: Notification of Procurement Opportunities	7
PART V – PROCUREMENT PROCEDURES	8
Section 10: Purchasing Procedures	8
Section 11: Request for Expression of Interest	8
Section 12: Purchasing Methods	8
Section 13: Purchases Not Exceeding Five Hundred (\$500) Dollars	8
Section 14: Purchase Between Five Hundred (\$500) and Twenty-Five Thousand (\$100,000) Dollars	8
Section 15: Purchases Exceeding Twenty-Five Thousand (\$100,000) Dollars Request for Tender	9
Section 16: Request for Proposal	9
Section 17: Guarantee of Contract Execution and Performance ..	10
Section 18: Contract Without Budgetary Appropriation	11

Section 19: Bids in Excess of Project Estimates	11
Section 20: Emergency Purchases	11
Section 21: Cooperative Purchasing	11
Section 22: Identical Tenders	12
Section 23: Bid Irregularities	12
Section 24: Contractual Agreement	12
Section 25: Surplus and Obsolete Goods	12
PART VI – Other	13
Section 26: Access to Information	13
Section 27: By-Law Review	13
Section 28: Effective Date	13
Schedule “A” Exemptions.....	14
Schedule “B” Purchasing Methods.....	15
Schedule “C” Direction-.....	16

A BY-LAW OF THE TOWN OF ENGLEHART
GOVERNING PROCUREMENT POLICEIS AND PROCEDURES

WHEREAS Section 270 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 Town of Englehart subject to certain exceptions set out herein;

AND WHEREAS the Council of the Town of Englehart has by resolution adopted on authorized the enactment of this By-Law.

NOW THEREFORE the Council of the Town of Englehart enacts as follows:

PART I – SHORT TITLE

Section 1

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

PART II – PURPOSES, GOALS AND OBJECTIVES

Section 2

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

- a) To encourage competition among suppliers;
- b) To maximize savings for taxpayers;
- c) To ensure service and product delivery, quality, efficiency and effectiveness;
- d) To ensure fairness among bidders;
- e) To ensure openness, accountability and transparency while protecting the financial best interests of the Town of Englehart;
- f) To have regard to the accessibility for persons with disabilities to the Goods, Services and Construction purchased by the Town of Englehart,
- g) To attempt to reduce the amount of solid waste requiring disposal through the purchase of environmentally responsible Goods and Services.

PART III – DEFINITIONS AND SCHEDULES

Section 3

The words and phrases listed below when used in this By-Law shall have the following meanings ascribed to them:

“**AGENT**” means the Manager of Supplies and Services of the Town of Englehart;
“**APPROVED INVOICE**” means an original supplier’s invoice issued at the time of

purchase of low dollar Goods or Services not exceeding \$499 and which bears both the signature of an appropriately authorized employee and appropriate account number(s);

“AWARD”, “AWARDED” and “AWARDING” mean authorization to proceed with the purchase of Goods, Services or Construction from a chosen supplier;

“BID” means an offer or submission from a supplier in response to a Bid Solicitation;

“BID BOND” means the form of security required by the terms and conditions of Bid Solicitation documentation to guarantee that the successful bidder enters into a Contract with the Town of Englehart, as required by Section 20 of this By-Law;

“BID SOLICITATION” means a formal request for Bids that may be in the form of a Request for Tender or Request for Proposal;

“BLANKET PURCHASE ORDER” means a Contract between the Town of Englehart 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 not specified quantities;

“CLERK-TREASURER-ADMINISTRATOR” means the Clerk-Treasurer-Administrator of the Town of Englehart; who shall also act as the Risk Management Officer;

“CONSTRUCTION” means 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;

“CONTRACT” means any agreement, regardless of form or title, for the lease purchase or disposal of Goods, Services or Construction authorized in accordance with this By-Law;

“COUNCIL” means the Council of the Town of Englehart;

“COUNCIL APPROVED BUDGETS” means Council approved department budgets including authorized revisions, or where applicable, Council approved budgets of local boards or utilities to which this By-Law applies;

“DEPARTMENT” means an organizational unit of the Town of Englehart by Management;

“ELECTRONIC ADVERTISING” means the use of a computer based system directly accessible by suppliers irrespective of their location that provides suppliers with information related to Bid Solicitations;

“EMERGENCY” means a situation, or the treat 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 Town of Englehart, or to prevent serious damage, disruption of work, or to restore or to maintain essential service to a minimum level;

“FAIR MARKET VALUE” means the price that would be agreed to in an open and unrestricted market between knowledgeable and willing parties dealing at arms-length where fully informed and not under any compulsion to transact;

“FINANCING LEASE POLICY” means the policy passed by Council under the authority of the Municipal Act, 2001, S.O. c25, section 110;

“MANAGER” means the person appointed by Council to be responsible for the operations of departments;

“GOODS” means movable property including,

- a) the cost of installing, operating, maintaining or manufacturing such movable property;
- b) raw materials, products, equipment and other physical objects of every kind and description;

“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 the Goods, Services or Construction will be provided entirely by the employees of the Town of Englehart”

“LOWEST COMPLIANT BID” means the Bid that would provide the Town of Englehart with the desired Goods, Services or Construction at the lowest Total Acquisition Cost, meets all the specifications and contains no irregularities requiring automatic rejection;

“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;

“PROPOSAL” means an offer submitted in response to a Request for Proposal, acceptance of which may be subject to further negotiation;

“REQUEST FOR PROPOSAL” means a Bid Solicitation that is used to acquire Goods, Services or Construction, the suitability of which is dependant upon non-price factors and which may result in further negotiation between the parties;

“SERVICE” 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 of personal property and real property and all other services of any nature and kind save and except only services to be delivered by an officer or employee of the Town of Englehart in accordance with terms of employment;

“TENDER” means a publicly advertised Bid Solicitation;

“TOTAL ACQUISITION COST” means an evaluation of quality and service in the assessment of a Bid and the sum of all costs including purchase price, all taxes, warranties, local service costs, life cycle costs, time of completion or delivery, inventory carrying costs, operating and disposal costs for determining the lowest Compliant Bid.

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

PART IV – GENERAL PROCUREMENT POLICY

Section 4 -- APPLICATION

- 1) The procedures in this By-Law shall be followed to Award a Contract or to recommend to Council that a Contract be Awarded.
- 2) Subject to section 24 and section 4(3), a Manager may purchase or contract for the Goods and Services listed in Schedule “A” to this By-Law without following the procedure set out herein.
- 3) The procurement of legal services shall be contracted for by the Clerk or Treasurer.
- 4) The purchase of Goods and Services listed in Schedule “A” to this By-Law may be made provided that sufficient funds are available and identified in appropriate accounts within Council Approved Budgets.
- 5) The following local boards and corporations are bound by the By-Law and this By-Law shall apply with necessary modification to such local boards and corporations:

Englehart and Area Historical Museum
 Englehart Planning Department
 Englehart Works Department

Englehart Parks & Recreation
 Englehart and Area Fire Board
 Englehart General Government

- 6) For all purposes of this By-Law and this Section, all references to Council shall mean the governing body of each of the following local boards and corporations:

Englehart and Area Historical Museum
 Englehart and Area Fire Board

- 7) For all purposes of this By-Law and this Section, all references to the Clerk-Treasurer-Administrator and Managers of the Town shall mean the following positions associated with the relevant local board and corporation:

Englehart and Area Historical Museum -- Manger
Englehart Parks & Recreation – Recreation Manager
Englehart Planning Department – Economic Development Officer
Englehart and Area Fire Board – Fire Chief
Englehart Works Department – Public Works Superintendent
Englehart General Government – Clerk Treasurer Administrator

Section 5 -- RESTRICTIONS

- 1) No Contracts for Goods, Services or Construction may be divided into two or more parts to avoid the application of the provisions of this By-Law.
- 2) No Contract for Services shall be awarded where the services would result in the establishment of an employee-employer relationship.
- 3) No employee shall purchase, on behalf of the Town of Englehart any goods, services or Construction, except in accordance with this By-Law.
- 4) 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,
 - a) shall immediately disclose the interest to the Manager involved in the Award of the Contract and shall describe the general nature thereof;
 - b) shall not take part in the Award of the Contract; and
 - c) shall not attempt in any way to influence the Award of the Contract.
- 5) An employee has an indirect pecuniary interest in any Contract in which the Town of Englehart 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.
 - c) All Council members shall conduct themselves in accordance with the Municipal Conflict of Interest Act, R.S.O. 1990, c. M. 50, as amended.

Section 6 -- TOTAL ACQUISITION COST

Where this By-Law prescribes dollar limits, the Contract amount shall be the estimated Total Acquisition Cost less any rebates.

Section 7 -- PRESCRIBED COUNCIL APPROVAL

Despite any other provisions of this By-Law, the following Contracts are subject to Council approval:

- a) any Contract requiring approval from the Ontario Municipal Board;
- b) any Contract where the Total Acquisition Cost is greater than the Council Approved Budget;
- c) any Contract where an irregularity precludes the Award of a Contract to the supplier submitting the lowest bid;
- d) any Contract where a Good, Service or Construction is available from only one source of supply and the Total Acquisition Cost of such Good, Service or Construction exceeds \$25,000; or where a Bid Solicitation has been restricted to a single source of supply because standardization or compatibility is the overriding consideration;
- e) any Contract where the Request for Proposal method of purchase of Goods, Services or Construction is being used and the estimated value of the Goods, Services or Construction exceeds \$100,000;
- f) when any Contract is required in accordance with the Town of Englehart's Financing Lease Policy.

Section 8 -- RESPONSIBILITIES AND AUTHORITIES

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.

Section 9 -- NOTIFICATION OF PROCUREMENT OPPORTUNITIES

- 1) Notification of procurement opportunities for Goods, Services or Construction exceeding a Total Acquisition Cost of \$100,000 shall be made by Electronic Advertising and may be used for any other purchase.
- 2) Notification of procurement opportunities for Goods, Services or Construction may be supplemented by other means of notification where appropriate.

PART V – PROCUREMENT PROCEDURES

Section 10 -- PURCHASING PROCEDURES

- 1) The Clerk shall establish purchasing procedures consistent with the Purposes, Goals and Objectives set out in this By-Law relating to:

- a) the form, content and use of forms, whether electronic or printed, including requisitions, purchase orders, bonds, letters of credit and other forms of guarantee or surety, tender, proposal and other contract documents;
 - b) the identification of those Goods, Services or Construction which, are more effectively acquired through cooperative purchasing;
 - c) the process to be followed in the issuing, receipt and evaluation of Tenders and Requests for Proposals including the option of submitting documentation, payment or signature by electronic means pursuant to the Electronic Commerce Act, S.O. 2000, c. 17, as amended;
 - d) any other aspect of process or procedure not specifically provided for in the By-Law.
- 2) Where, in the opinion of the Agent, circumstances giving rise to an issue of adherence or non-adherence to the requirements of this By-Law which cannot be resolved to the satisfaction of the Agent, the Agent shall advise the Manager who shall have the authority to determine the appropriate action.

Section 11 – REQUEST FOR EXPRESSIONS OF INTEREST

A Manager or the Agent may conduct a request for expression of interest for the purposes of determining the availability of suppliers of any Goods, Services or Construction and for the purposes of keeping a list of available suppliers.

Section 12 – PURCHASING METHODS

The purchasing methods for the purchase of Goods, Services or Construction are listed in Schedule “B”.

Section 13 – PURCHASES NOT EXCEEDING FIVE HUNDRED (\$500) DOLLARS

- 1) Permanent full-time staff may sign for purchases up to \$500.00
- 2) Purchases made pursuant to this Section shall be made from the competitive market place wherever possible and may be made by using an “Approved Invoice, subject to Section 24.

Section 14 – PURCHASES BETWEEN FIVE HUNDRED (\$500) DOLLARS AND ONE HUNDRED THOUSAND (\$100,000) DOLLARS

- 1) Any purchases between \$500.00 and \$10,000.00 may be purchased by department heads or as approved by department subject to Section 24.
- 2) Purchasing requirements for Goods, Services or Construction having an estimated Total Acquisition Cost between:
 - A) \$10,000 - \$50,000 – by Informal Request for Quotations(RFQ) – the town shall obtain competitive pricing for procurement in an expeditious and cost-effective manner through fax, email or mail from at least two (2) potential vendors.
 - B) \$50,001 - \$100,000 – by Formal Request for Quotations(RFQ) – the town shall use formal quotations for higher value procurements and where a more detailed outline of the proposed goods and/or services is required to obtain the best value. Solicitation document to be prepared and sent to at least three (3)

potential vendors.

- 3) In appropriate circumstances, the Request for Proposal or the Request for Tender processes may be utilized for the purchase of Goods, Services or Construction in this Total Acquisition Cost range.
- 4) The procedure used to purchase the Goods, Services or Construction in this Total Acquisition Cost range shall demonstrate that Fair Market Value was achieved.

Section 15 -- PURCHASES EXCEEDING ONE HUNDRED THOUSAND DOLLARS (\$100,000)

- 1) A Request for Tender shall be used for purchases exceeding \$100,000 where all of the following criteria apply:
 - a) two or more sources are considered capable of supplying the requirement;
 - b) the requirement is adequately defined to permit the evaluation of tenders against clearly stated criteria; and
 - c) it is intended that the Lowest Compliant Bid will be accepted without negotiations.
- 2) The Manger in charge of the Bid Solicitation or the Agent, on behalf of such Manager, may Award Contracts emanating from a Request for Tender provided that:
 - a) the Award is to the Lowest Compliant Bidder;
 - b) sufficient funds are available and identified in appropriate accounts within Council Approved Budgets; and
 - c) the provisions of this By-Law are complied with.
- 3) The Manager or Agent shall follow the provisions of Section 24 regarding the form of contract required to complete the purchase.

Section 16 -- REQUEST FOR PROPOSAL

- 1) A request for Proposal shall be used where one or more of the criteria for issuing a Request for Tender 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.

- 2) Where the Contract price is anticipated to be \$100,000 or greater and the Request for Proposal method of procurement is utilized, the Agent shall be a member of the committee formed to evaluate the response to the Request for Proposal.
- 3) Every Request for Proposal shall contain an evaluation grid.
- 4) The Agent shall maintain a list of suggested evaluation criteria for assistance in formulating an evaluation grid, which criteria may include, but are not limited to, factors such as approached, equipment and facilities, experience and qualifications, methodology, past performance and scheduling, price and strategy.
- 5) The Manager in charge of the particular Bid Solicitation or the Agent, on behalf of such Manager, may Award Contracts emanating from a Request for Proposal provided that;
 - a) the estimated Total Acquisition Cost of the Goods, Services or Construction does not exceed \$100,000;
 - b) the Award is to made to the supplier meeting all mandatory requirements and determined, by reference to an evaluation grid, as providing best value;
 - c) sufficient funds are available and identified in appropriate accounts within Council Approved Budgets; and
 - d) the provisions of this By-Law are complied with.
- 6) The Manager and Agent shall follow the provisions of Section 24 regarding the form of contract required to complete the purchase.

Section 17 – GUARANTEE OF CONTRACT EXECUTION AND PERFORMANCE

- 1) The Agent may require that a Bid be accompanied by a Bid Bond or other similar security to guarantee entry into a Contract. Unless otherwise specified, in circumstances where a Bid Bond or other security is required, the refundable deposit requirements for Requests for Tenders and Requests for Proposals shall be as follows:

ESTIMATED TOTAL ACQUISITION COST	MINIMUM DEPOSIT REQUIRED
Greater than \$100,000	10%

- 2) Prior to the commencement of the work, the successful bidder shall be required

to provide the following security in addition to the security referred to in Subsection 20 (1):

- a) a performance bond to guarantee the performance of a Contract, and
 - b) a payment bond to guarantee the payment for labour and materials to be supplied in connection with a Contract.
- 3) The Manager shall select the appropriate means to guarantee execution and performance of the Contract. Means may include one or more of, but are not limited to, certified cheque, bank draft, irrevocable letter of credit, money order and where appropriate, a bid bond issued by an approved guarantee company properly licensed in the Province of Ontario, on bond forms acceptable to the Town of Englehart.
 - 4) Prior to the commencement of work, evidence of insurance coverage satisfactory to the Risk Management/Insurance Officer must be obtained, ensuring indemnification of the Town of Englehart from any and all claims, demands, losses, costs or damages resulting from the performance of a Bidder's obligations under the Contract and from any other risk determined by the Risk Management/Insurance Officer as requiring coverage.
 - 5) Prior to payment to a supplier, a Certificate of Clearance from the Workplace Safety and Insurance Board shall be obtained ensuring all premiums or levies have been paid to the Workplace Safety and Insurance Board to the date of payment.

Section 18 – CONTRACT WITHOUT BUDGETARY APPROPRIATION

Where a requirement exists to initiate a project for which Goods, Services or Construction is required and funds are not contained within the Council Approved Budget to meet the proposed expenditure, the Manager shall, prior to commencement of the purchasing process, submit a report to Council containing:

- a) information surrounding the requirement to contract;
- b) the terms of reference to be provided in the Contract;
- c) information on the availability of the funds within existing estimates, which were originally approved by Council for other purposes, or on the requirement of additional funds.

Section 19 -- BIDS IN EXCESS OF PROJECT ESTIMATES

- 1) Where Bids are received in response to a Bid Solicitation and the Manager, jointly, may enter negotiations with the Lowest Compliant Bidder to achieve and acceptable Bid within the project estimate.
2. Negotiations shall be conducted in accordance with the guidelines established by the Canadian Construction Documents Committee.

Section 20 – EMERGENCY PURCHASES

- 1) Where an Emergency exists requiring the immediate procurement of Goods, Services or Construction, a Manager or the Agent may purchase the required Goods, Services or Construction by the most expedient and economical means, notwithstanding any other provision of this By-Law. As soon as practicable thereafter, the Agent shall comply with Section 24 of this By-Law.
- 2) For all Emergency purchases made by a Manager, the Manager shall as soon after the purchase as reasonably possible; notify the Treasurer with a written report detailing the circumstances of the Emergency. A report to Council shall be made by the Manager and the Treasurer in all circumstances where the Emergency purchase exceeds \$25,000.

Section 21 – COOPERATIVE PURCHASING

- 1) The Town of Englehart may participate with other government agencies or public authorities in cooperative purchasing where it is in the best interest of the Town of Englehart to do so and where the purposes, goals and objectives of this By-Law are complied with by such government agencies and public authorities.
- 2) the policies of the government agencies or public authorities calling the cooperative Bid Solicitation are to be the accepted policy for that particular purchase.

Section 22 – IDENTICAL TENDERS

- 1) If the Lowest Compliant Bids from two or more bidders are identical in Total Acquisition Cost or unit price, the Treasurer, with the consent of the Manager in charge of the Bid Solicitation, is authorized to enter into negotiations with the bidders who have submitted the identical prices in an attempt to obtain a lesser price and shall maintain a record in respect of such negotiations.
- 2) The Treasurer shall not reveal information pertaining to such negotiations or the manner in which the final price was determined to any of the bidders concerned. The Treasurer shall include as part of the record, a report concerning the results of such negotiations.
- 3) When negotiations are not successful in breaking the identical tenders, then the successful bidder shall be determined by coin toss. The coin toss shall be performed in the presence of the Manager in charge of the Bid Solicitation, the Treasurer and the Director of Legal Services, or their designate(s).

Section 23 – BID IRREGULARITIES

The process for administering irregularities contained in Bids pertaining to all Contracts shall be as set out in Schedule "C". For an irregularity listed in the first column of Schedule "C", the applicable response is set out opposite to the irregularity in the Second column of Schedule "C".

Section 24 – CONTRACTURAL AGREEMENT

- 1) The Award of Contract over \$150,000.00 shall be made by way of an agreement.
- 2) A formal agreement is to be used when the resulting Contract is complex and will contain terms and conditions other than the Town of Englehart's standard

contractual terms and conditions.

- 3) It shall be the responsibility of the Manager in charge of the particular Bid Solicitation, with the Clerk or Treasurer and/or Legal Counsel to determine if it is in the best interest of the Town of Englehart to establish a formal agreement with the supplier.
- 4) It shall be the responsibility of the Clerk or Treasurer and the council to decide if the formal agreement is to be reviewed and approved for execution by the Legal Counsel.
- 5) Where a formal agreement is required, the Manager shall execute the agreement in the name of the Town of Englehart.

Section 25 – SURPLUS AND OBSOLETE GOODS

- 1) The Manager must dispose of all Goods for which a Department no longer has use and the Agent may use any method for disposal in the Town of Englehart best interests, including without limitation, public auction, public tender, trade, negotiated sale or transfer to another Department.
- 2) An employee who has the responsibility of declaring Goods surplus or obsolete, or for sending items to a public auction shall not bid on or personally obtain any Goods that the employee has declared as surplus.
- 3) No Council Member or employee shall be permitted to receive surplus or obsolete Goods except by purchase at public auction, public tender, trade or negotiated sale.

PART VI – OTHER

Section 26 – ACCESS TO INFORMATION

The disclosure of 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.

Section 27 – BY-LAW REVIEW

- 1) This By-Law shall be reviewed every 3 years or as needed to comply with current legislation.
- 2) The review shall determine how effective this By-Law has been in achieving the objectives set out in Section 2 of the By-Law as well as the requirements of the Municipal Act, 2001, as amended.
- 3) The review may be undertaken by an ad-hoc committee of Council, the final result of which shall be comprised of a report to Council, by the Treasurer.

Section 28 – EFFECTIVE DATE

This By-Law shall come into force and take effective on the 28th day of June 2017.

This by-law shall take effect on the final passing thereof.

READ A FIRST AND SECOND TIME this 28 day of June 2017.

READ A THIRD TIME AND FINALLY PASSED this 28 day of June 2017.

Mayor

Clerk

SCHEDULE "A"
EXEMPTIONS

To By-Law 2017- of the Town of Englehart.

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

1. Training and Education
 - a) Registration and Tuition fees for conferences, conventions, courses and seminars
 - b) Magazines, books and periodicals unless the purchase of such magazines books and periodicals are subject to value-added services
 - c) Memberships

2. Refundable Employee/Councilor Expenses
 - a) Advances
 - b) Meal Allowances
 - c) Travel and Entertainment
 - d) Miscellaneous
3. Employer's General Expenses
 - a) Payroll Deductions Remittances
 - b) Medical
 - c) Licenses (Vehicle, Firearms, etc.)
 - d) Debenture Payments
 - e) Grants to Agencies
 - f) Damage Claims
 - g) Tax Remittances
4. Professional and Special Services
 - a) Committee Fees
 - b) Legal fees and other Professional Services related to litigation or legal matters
 - c) Funeral and Burial expenses
 - d) Witness fees
 - e) Contracts related to the provision of "controlled acts" by persons "governed by a health profession Act", as those expressions are used in the Regulated Health Professions Act, S.O. 1991, c.18, as amended
5. Utilities
6. Advertising services required by the Town on or in but not limited to radio, television, newspaper and magazines
7. Bailiff or collection agencies

SCHEDULE "B"

To By-Law 2017- of the Town of Englehart.

PURCHACING METHODS

PROCEDURE	COST OF GOOD OR SERVICE
Purchase Order (including Blanket Purchase Order)	\$10,000.00 to \$100,000 (Section 14)
Agreement, Request for Tender or Request for Proposal	\$100,000 or more (Section 15 and 16)

SCHEDULE "C"

To By-Law 2015-16 of the Town of Englehart.

	IRREGULARITY	RESPONSE
1.	Late Bids.	Automatic rejection and not opened or read publicly.
2.	Unsealed Envelopes.	Automatic rejection.
3.	Insufficient Financial Security (No Bid Security or agreement to bond or insufficient Bid Bond or Agreement to Bond).	Automatic rejection.
4.	Bids completed and/or signed in erasable medium.	Automatic rejection.

5.	All required sections of Bid documents not completed.	Automatic rejection unless, in the consensual opinion of the Agent, Manager in charge of the Bid Solicitation and the Director of Legal Services, or designate, 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 Agent, Manager in charge of the Bid Solicitation and the Director of Legal Services, or designate, the qualification or restriction is trivial or not significant.
7.	Bids received on documents other than those provided or specified by the Town.	Automatic rejection.
8.	Bids Containing Minor Obvious Clerical Errors.	48 hours to correct and initial errors.
9.	Failure to execute Agreement to Bond (Surety's 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.
a)	Corporate seal of the Bidder and Bonding Company missing	48 hours to correct.
11.	Documents – Execution	
a)	Corporate Seal or signature is missing; signatory's authority to bind the corporation or signature missing.	48 hours to rectify situation.
b)	Corporate seal and signature is missing; signatory's authority to bind the corporation and signature missing.	Automatic rejection.
12.	Erasures, Overwriting or Strike-Outs which are not Initialed.	
a)	Uninitialed changes to the Tender documents, other than unit prices, which are trivial or not significant;	48 hours to initial. The determination of what constitutes trivial or insignificant uninitialed changes shall be made in the consensual opinion of the Agent, Manager in charge of the Bid Solicitation and the Director of Legal Services, or designate.

b)	Unit prices in the Schedule of Prices have been changed but not initialed and the Contract totals are inconsistent with the price as changed;	48 hours to initial change in unit price. The determination of what constitutes trivial or insignificant uninitialed changes shall be made in the consensual opinion of the Agent, Manager in charge of the Bid Solicitation and the Director of Legal Services, or designate.
c)	Unit prices in the Schedule of Prices which have been changed but not initialed and the Contract totals are inconsistent with the price as changed;	Automatic rejection.
13.	Mathematical errors which are not consistent with unit prices.	48 hours to initial corrections as made by the Supplies and Services Division.
14.	Documents, in which all necessary Addenda, which have financial implication, have not been acknowledged.	Automatic rejection.
15.	Any other irregularities.	The Agent, Manager in charge of the Bid Solicitation and the Director of Legal Services, or designate, acting in consensus shall have authority to waive other irregularities or grant 48 hours to initial such other irregularities, which they jointly consider to be minor.