

**TABLE OF CONTENTS FOR  
THE CORPORATION OF THE TOWNSHIP OF GILLIES  
BY-LAW NO. 2016-004**

Being a by-law to outline the process by which Goods and Services are procured.

- 1. Definitions and Interpretation**
- 2. Purchasing Principles**
  - 2.1 Budget
  - 2.2 Overall Goal
  - 2.3 Fairness
  - 2.4 Considerations in addition to Price
  - 2.5 Competition
  - 2.6 Proof of Performance; References
  - 2.7 Total Costs
  - 2.8 Environmental Considerations
  - 2.9 Asset Management Plan
- 3. Choice of Acquisition Method**
  - 3.1 Up to \$2,500
  - 3.2 More than \$2,500 but less than \$25,000
  - 3.3 \$25,000 or greater
  - 3.4 Exemptions
  - 3.5 Division
- 4. Conditions Applicable to All Bid Submissions and Price Quotations**
  - 4.1 Submissions and Withdrawals
  - 4.2 Rejection
  - 4.3 Bid Irregularities
  - 4.4 General Bid Rejection & Re-issue Rights
  - 4.5 Negotiation
  - 4.6 Standard Forms
  - 4.7 Security
  - 4.8 Package Approval
  - 4.9 Council Approval Required
  - 4.10 No Rights Created

- 4.11 Specifications
- 4.12 Supervision
- 4.13 No Personal Purchases
- 4.14 Invoice Approval
- 4.15 Clerk's Duties
- 4.16 Advertisement of Bid Requests
- 4.17 Pre-Qualification of Bidders

**5. Process Details**

- 5.1 Low Value
- 5.2 Price Agreements
- 5.3 Requests for Quotations
- 5.4 Tender
- 5.5 Two Phase Bid Requests
- 5.6 Requests for Proposals

**6. Sole Source and Single Source Purchases**

- 6.1 Single Source Purchases
- 6.2 Sole Source Purchases
- 6.3 Approval:

**7. Exemptions**

- 7.1 Exempt Vendors
- 7.2 Exempt Purchases
- 7.3 Special Conditions
- 7.4 Interim Arrangements
- 7.5 Emergencies
- 7.6 Exemptions Approved by Council
- 7.7 Co-Purchasing
- 7.8 Payment Authorization Prior to Budget Approval

**8. Supplier Performance**

- 8.1 Disqualification Possible
- 8.2 Performance Files
- 8.3 Evaluation

- 8.4 Notice when Considering Disqualification
- 8.5 Disqualification
- 8.6 Notice to Disqualified Supplier
- 8.7 Authority

**9. Administrative Provisions**

- 9.1 Repeal
- 9.2 Effective Date

**THE CORPORATION OF THE TOWNSHIP OF GILLIES**  
**BY-LAW NO. 2016-004**

**Being a by-law to outline the process by which Goods and Services are procured.**

**Recitals:**

1. Gillies Council has deemed it appropriate to establish a formal process for the procurement of Goods and Services.
2. All municipalities are required by the province to pass a by-law setting out the municipality's formal processes for procurement;
3. All acquisitions made by the Township shall be carried out in accordance with this by-law, other by-laws and Township policies, codes of conduct and/or principles established from time to time.

**ACCORDINGLY**, Gillies Council enacts the following:

**1. Definitions and Interpretation**

- 1.1 The definitions in the lettered paragraphs of this by-law are intended to be applied to the defined terms when they appear within the text of this By-law with their initial letters capitalized.
  - a) "Acquisition Method" means the process by which Goods and Services are procured.
  - b) "Annual Aggregate Value" means the total amount anticipated to be spent annually by all departments on a particular type of Goods and Services.
  - c) "Asset Management Plan" means the plan maintained by the Township as a requirement of the Province which tracks the age and condition of the Township's various buildings, properties, equipment and other valuable assets.
  - d) "Bid" means an offer or submission received from a potential vendor, contractor or consultant in response to a Bid Request. The term "Proposal" is typically used in place of "Bid" when the Bid Request was a Request for Proposals.

- e) "Bid Request" means a request for Bids, which may be in the form of a Request for Quotation, Tender Call or Request for Proposal.
- f) "Clerk" means the Clerk for the Township or his or her designate.
- g) "Council" means the Township Council.
- h) "Department Head" means the supervisor of any department or his or her designate.
- i) "Emergency" means a situation where the immediate acquisition of Goods and Services is essential to prevent serious delays, injury, or damage, or to restore or maintain required service.
- j) "Goods and Services" includes: labour, supplies, materials, equipment and services of every kind needed by the Township-to conduct business. The use of "and" in the phrase means either "and" or "or", as the context warrants.
- k) "Lowest Acceptable Bid" means the lowest price submitted which meets the requirements and specifications as set out in the Bid Request, subject to section 4.3.
- l) "Procure" means to acquire by purchase, rental, lease or trade.
- m) "Proposal" means a Bid submitted in response to a Request for Proposals.
- n) "Request for Information" means a written request for details on a vendor's background and its experience with provision of the Goods and Services being offered.
- o) "Request for Proposals" means an Acquisition Method in which Bidders are invited to offer different methods, processes, materials or designs in order to provide the Township with the Goods and Services it is seeking.
- p) "Request for Quotations" means an unadvertised Acquisition Method in which specific Bidders are approached individually and asked to provide pricing for Goods and Services.

- q) "Single Source" means there is more than one source in the open market for the Goods and Services desired, but only one of these is recommended for consideration in a contract.
- r) "Sole Source" means there is only one source of supply of particular Goods and Services.
- s) "Tender Call" means an Acquisition Method in which Bidders provide pricing for specific Goods and Services and can not deviate from the specifications set out in the documents
- t) "Total Project Cost" means the sum of all costs that would normally be paid to one vendor for Goods and Services required to meet a major objective over a period of time.
- u) "Township" means The Corporation of the Township of Gillies.
- v) "Vendor of Record" means a vendor of Goods and Services which has been designated by the Province of Ontario as a "vendor of record" with the Province, and is obligated to offer its Goods and Services to Ontario municipalities at the same pricing that it offers them to the Province of Ontario.

1.2 "Includes" and "Including": The terms "includes" and "including" do not in any way limit or modify any words that precede or follow them.

1.3 Number and Gender: This by-law is intended to be read with all changes of number or gender adjusted to fit the context of any given situation.

## **2. Purchasing Principles**

The principles set out in this Section of the by-law will guide the procurement practices of the Township.

2.1 Budget: This by-law provides direction for the expenditure of funds to complete the programs approved by Council in the annual operating and capital budget.

2.2 Overall Goal: The Township's purchasing principles are to Procure the necessary quality and quantity of Goods and Services in an efficient and cost effective manner.

2.3 Fairness: The procurement process is to be open, fair, and consistent.

- 2.4 Considerations in addition to Price: In making its procurement decisions, the Township considers the total cost of acquisition, maintenance, repair, staff training, operation and disposal in addition to price.
- 2.5 Competition: Procurement methods are selected to encourage competitive bidding for the supply of Goods and Services.
- 2.6 Proof of Performance; References: The Township will select suppliers who can be expected to provide satisfactory performance. Suppliers will be expected to provide information relating to past, previous contracts, financial and other resources, and references, in order to satisfy the Township that they are able to complete the contract bid.
- 2.7 Total Costs: The Township will give full consideration to the Total Project Cost and/or to the Annual Aggregate Value of specific Goods and Services prior to determining the appropriate Acquisition Method.
- 2.8 Environmental Considerations: The Township will Procure necessary Goods and Services with due regard to the preservation of the natural environment, to encourage vendors to supply goods made by a method resulting in the least damage to the environment and to encourage vendors to supply goods incorporating recycled materials where practicable.

To Procure necessary goods with due regard to the environment, the Township will follow the “statement of principle” as adopted by the Association of Canadian Cities for Environmentally Sound Strategies as follows:

"In order to increase the development and awareness of Environmentally Sound Products, Procurement Staff, in conjunction with Departments, will review their contracts and tender specifications for Goods and Services, to ensure that wherever possible and economical, specifications are amended to provide for expanded use of products and services that contain the maximum level of post-consumer waste and/or recyclable content. This will be done without significantly affecting the intended use of the product or service. Also it is recognized that cost analysis is required in order to insure that the products are available at competitive prices."

- 2.9 Asset Management Plan: All purchasing decisions involving goods which are to be included in the Asset Management Plan will be tracked and included in the annual update of the Asset Management Plan.

### **3. Choice of Acquisition Method**

- 3.1 Up to \$2,500: The acquisition of Goods and Services having a value up to and including \$2,500 which are not the subject matter of an existing agreement, may be purchased by the Department Head in accordance with the principles set out in this by-law. Three verbal quotations are desirable but not formally required.

Sections 5.1 and 5.2 of this by-law provide more detail about the processes for purchases in this price range.

- 3.2 More than \$2,500 but less than \$25,000: For the acquisition of Goods and Services with a value of at least \$2,500 but less than \$25,000, the Acquisition Method will be Request for Quotations. At least three written quotations will be solicited on behalf of the Municipality by the Department Head. The selection of the vendor shall be made by the Council after consideration of the Department Head's recommendations.

Section 5.3 of this by-law provides more detail about the processes for purchases in this price range.

- 3.3 \$25,000 or greater: For the acquisition of Goods and Services with a value of greater than \$25,000, the Acquisition Method will be either a Request for Proposals or a Tender Call, as applicable to the nature of the Goods and Services being sought. The Bid Request will be advertised in one or more publications of general circulation. The Bid Request will specify the time and place for submission of Bids.

Sections 5.4 and 5.5 of this by-law provide more detail about the process for Tender Calls. Section 5.6 of this by-law provides more detail about the process for Requests for Proposals.

- 3.4 Exemptions: Exemptions to these terms and conditions are outlined in Section 7 of this by-law.

- 3.5 Division: The division of contracts to avoid the requirements of this Section is prohibited.



#### **4. Conditions Applicable to All Bid Submissions and Price Quotations**

4.1 Submissions and Withdrawals: The conditions in this section apply to all Bid submissions and price quotations whether they are formal or informal.

- a) Bids must be submitted and received in the manner as specified in the Bid package. No exemptions will be permitted.
- b) Bids received later than the specified closing date and time will be returned to the bidder. In the case of sealed bids, the Bid will be returned to the bidder unopened. No exemptions will be permitted.
- c) A bidder who has already submitted a Bid may submit a further Bid at any time up to the official closing time. The last Bid received will supersede and invalidate all Bids previously received by that bidder unless the process is a Request for Proposals and the bidder is responding with more than one proposal.
- d) A bidder may withdraw a submitted Bid at any time up to the official closing time. The bidder must provide the request to withdraw in writing, by letter bearing the original signature of an authorized signing officer.
- e) All departments must document the receipt of all submissions over \$10,000.00, including the bidder's name, date/time of receipt of Bid and initials of the employee accepting the Bid.

4.2 Rejection: Bids may be rejected for any of the following reasons:

- a) the Bid was received after the specified closing date and time as specified in the Bid package;
- b) subject to section 4.3, the Bid does not comply with the requirements at time of closing as specified in the Bid package;
- c) subject to section 4.3, the Bid was incomplete, conditional or obscure, or contained additions not called for, erasures, alterations or irregularities of any kind;
- d) subject to section 4.3, the Bid submitted in response to a Tender Call does not meet the specification requirements; and/or

- e) The Bid was submitted by a supplier who has been disqualified from participating in any Bid Request in accordance with this by-law.

4.3 Bid Irregularities: The process for administering irregularities contained in Bids pertaining to all competitive procurement processes is set out in this section.

The following irregularities are incurable, and result in rejection of the Bid:

- (a) Bid submitted late;
- (b) Bid submitted in an unsealed envelope;
- (c) Bid prepared (in whole or in part) or signed using an erasable medium (such as lead pencil);
- (d) the execution (by the bonding company) of agreements to bond (performance security) are improper in that there is a company corporate seal or signature missing from the agreement to bond;
- (e) the Bid is unsigned (or is improperly signed – for example, without the corporate seal or by unauthorized persons);
- (f) any required payment is submitted in a manner other than by certified cheque or money order;
- (g) changes to unit prices in a schedule of prices were made (or over-written) without being initialed, and the Bid totals are inconsistent with the prices as changed; or
- (h) addenda issued by the Township, which have financial implications, have not been acknowledged.

The following irregularities may be overlooked if Council considers the irregularity to be trivial or insignificant:

- (a) insufficient financial security (for example, no Bid security or an insufficient Bid bond or agreement to bond);
- (b) all required sections of the Bid document were not completed;
- (c) the Bid contains a qualification, condition or restriction; or
- (d) the Bid was not submitted on the proper or specified form.

The following irregularities may be corrected (or confirmed) by the Bidder within forty-eight (48) hours of the opening of the Bid:

- (a) Bids containing minor and obvious clerical errors;
- (b) the execution (by the bidder) of agreements to bond (performance security) are improper in that there is a company corporate seal or signature missing from the agreement to bond;

- (c) minor changes to the Bid documents which were corrected by the bidder, but the correction or over-write was not initialed;
- (d) changes to unit prices in a schedule of prices were made (or over-written) without being initialed, but the Bid totals are consistent with the prices as changed; or
- (e) mathematical errors were made which are not consistent with the unit prices, and are noted and corrected by the Clerk.

Where an error or irregularity is made that is not referenced in this section, the Council shall determine whether the error is trivial in nature, whether it is incurable, or whether it can be addressed and corrected by the bidder within forty-eight (48) hours.

4.4 General Bid Rejection & Re-issue Rights: Despite the provisions of this by-law, the Township reserves the right to accept or reject the lowest or any Bid submitted as the result of any Bid Request process, in its absolute discretion. The Township also reserves the right to reissue the Bid document in its original format or modified as best suits the requirements of the Township.

4.5 Negotiation: Negotiations with one or more suppliers for the supply of goods and/or service would take place when any of the following conditions exist:

- a) due to market conditions, Goods and Services are in short supply;
- b) there is only one source of the Goods and Services;
- c) efforts at breaking identical Bids have previously been unsuccessful and the same Goods and Services are required again;
- d) none of the Bids received were acceptable;
- e) all of the Bids received exceeded the amount budgeted for the purchase;
- f) When two or more identical Bids have been received, Council may negotiate with the two lowest bidders, keeping all negotiations fair and ethical; or
- g) the extension, or reinstatement of, and existing contracts would be more cost effective or beneficial to the Township.

- 4.6 Standard Forms: Council may from time to time approve standard forms, including: Bid and performance securities, if any, for purchases by Tender Call, Request for Proposals, Request for Quotations, Single Source, or Emergency purchases, as well as forms of contract for types of purchase including: construction, supplies and installation or service.
- 4.7 Security: Bid bonds, performance bonds and other securities including labour and material bonds may be required for purchases. Where they are required, Council shall specify the form and amounts that Council considers appropriate and applicable in each individual circumstance.
- 4.8 Package Approval: All publicly advertised Tender Calls and Requests for Proposals shall be submitted to the Council for approval prior to publication. A report of the purchasing process and details of the purchase will be prepared by the purchasing Department Head and forwarded to Council for approval.
- 4.9 Council Approval Required: Except as otherwise expressly provided for in this by-law, the Council will award all contracts.
- 4.10 No Rights Created: This by-law is enacted solely as an internal policy of the Township and its provisions do not confer any rights of any kind whatsoever on any other person including, persons supplying or seeking to supply or asserting claims with respect to the supply of Goods and Services to the Township, whether or not the Township, its Council, officers, agents, or employees, have acted in accordance with this by-law.
- 4.11 Specifications: The Department Head whose budget provides for the acquisition of Goods and Services shall be responsible, in consultation with the Clerk and any other department as appropriate, for the preparation and approval of all specifications to be used for the acquisition of those Goods and Services.
- 4.12 Supervision: Council shall exercise general supervision and control over the procurement of all Goods and Services in accordance with this by-law.
- 4.13 No Personal Purchases: Purchase by the Township of any Goods and Services for personal use by or on behalf of any Township employee or elected official for purposes other than the bona fide requirements of the Township is prohibited.
- 4.14 Invoice Approval: In addition to other reporting requirements set out in this by-law, signatures of the requisitioning Department Head are required on all invoices prior to payment.

4.15 Clerk's Duties: The Clerk shall:

- a) advertise Tender Calls and Requests for Proposal in accordance with section 4.16 of this by-law;
- b) receive Bids, and stamp them as received, including the date and time of receipt, up to the published deadline;
- c) coordinate the opening of Bids or Proposals at the appointed time by a committee comprised of at least one member of staff and at least one representative from Council;
- d) produce a written record of all Bids with the initials of the committee; and
- e) keep all Bids in accordance with the Records Retention By-law and other applicable policies or by-laws.

4.16 Advertisement of Bid Requests: Tender Calls and Requests for Proposal shall be advertised by at least one of the following methods, in accordance with direction provided by Council in each case:

- a) posting on a web-service provider allowing for such advertisements at no cost to the Township;
- b) posting on the Township's own website;
- c) posting on public bulletin boards within the Township;
- d) advertising it in the Township's newsletter and/or a local newspaper of Council's choosing;
- e) advertising it in a publication with wider distribution; or
- f) advertising it in a publication directed at an audience likely to be comprised of suppliers for the Goods and Services in question.

In addition to the advertising, the Clerk may circulate the Bid Request package directly to individual suppliers who have indicated a desire to receive information in this manner or from whom the Clerk has reason to believe a quality Bid will be received.

4.17 Pre-Qualification of Bidders: Council may authorize the Clerk to compile a list of qualified bidders when:

- a) a large number of Bids is anticipated and the evaluation of Bids would create an undue cost burden to the Township; or

- b) it is desirable to pre-qualify bidders according to established criteria prior to bidding.

Bidders being considered for pre-qualification shall be invited by the Clerk to reply to a Request for Information.

Where bidders are qualified in accordance with this section, the Request for Proposals or the Tender Call will not be publicly advertised, but instead will be provided to the qualified bidders on the list. Bids will only be accepted from those qualified bidders.

## **5. Process Details**

5.1 Low Value: Purchases that are random in nature, and are not included in an agreement or available as inventory, under the value of \$1,000 may be purchased by the Department Head, using petty cash, Township cheque, or Township bank credit card. Provided the funds for the purchase have been allocated in the current budget for the department, the Council need not approve the purchase prior to the acquisition.

5.2 Price Agreements: In order to guarantee a continuous supply of various Goods and Services which are required on a day to day basis, while at the same time assuring that the competitive bidding system is followed, a Department Head may recommend a price agreements. These arrangements between the Township and a particular vendor commit the seller to provide Goods and Services at a specific price for a specific period of time. Department Heads can then draw supplies directly from these agreements. Price agreements are governed by the purchasing rules set out in this by-law, and must be approved by Council.

5.3 Requests for Quotations: The Request for Quotations is an informal request for prices for Goods and Services.

Quotations can be sought or provided either in written or verbal form, however, once a quotation has been confirmed, that confirmation must be provided in writing.

A Request for Quotations must be undertaken in a manner such that all prospective vendors who are requested to submit a quotation are provided with exactly the same information for the purposes of obtaining the quotation.

- 5.4 Tender Calls: A Tender Call package must be approved by Council prior to being issued or advertised. The package shall contain specifications of the Goods and Services being sought with sufficient detail to allow Bidders to prepare informed Offers. Each Tender Call package must provide a methodology for clarification questions to the Department Head during the period of time when Bids are being accepted. That methodology must provide that responses to the questions are published as addenda to the Tender Call package so that all Bidders have an equal opportunity to understand the specifications. Where necessary, the closing date for receipt of Bids will be extended to allow all Bidders the time to consider the information in the Addenda.

Wherever practicable, the Tender Call package shall provide for consideration of alternatives to approved specifications.

The Tender Call package shall specify a date and time by which sealed Bids will be accepted by the Township. No unsealed Bids will be accepted. No late Bids will be accepted. Bid Deposits and performance security are required. The Bids must be provided without condition or reservation. The award of the contract must be made without negotiation.

The Tender Call package shall specify the method by which the Bids will be opened and the Township will follow that method. The Tender Call package shall specify, where applicable, how errors in Bids will be addressed.

All Bids that are submitted will be compared to the specification and requirements contained in the tender documents. The award of the contract to purchase Goods and Services after a Tender Call is normally to the Lowest Acceptable Bid that meets all of the requirements of the Tender Call and was received from a qualified bidder.

In the case of a tie Bid, the Clerk is to request the tie bidders to submit a final offer. If this is not successful and a tie Bid still occurs, the contract will be awarded by a draw.

- 5.5 Two Phase Bid Requests: Where detailed specifications are not available a two phase Bid Request may be issued.

The first phase of a two-phase Bid Request is a Request for Proposals to create the specifications for the project, Goods and Services. Bidders are requested to submit proposals for evaluation, either with or without prices.

In the second phase, a Tender Call will be issued based on the specifications that were selected as a result of the first phase.

- 5.6 Requests for Proposals: A Request for Proposal package must be approved by Council prior to being issued or advertised. The package shall contain a description of the nature of the project and the Goods and Services being sought. Each Request for Proposal package must provide a methodology for clarification questions to the Department Head during the period of time when Bids are being accepted. That methodology must provide that responses to the questions are published as addenda to the Request for Proposals package so that all Bidders have an equal opportunity to understand the specifications. Where necessary, the closing date for receipt of Bids will be extended to allow all Bidders the time to consider the information in the Addenda.

The Request for Proposals package shall specify a date and time by which Bids will be accepted by the Township. No late Bids will be accepted. The Request for Proposals package shall also specify the criteria that the Council will consider in making its purchasing decision, and indicate whether or not bidders will have an opportunity to meet with the selection team to make a presentation, respond to questions, or undertake price negotiations. In accordance with the Municipal Freedom of Information and Protection of Privacy Act, proprietary and commercial information contained in Bids is confidential. Bids are not opened in public and are not available to the general public without the express authority of the person submitting the Bid.

Proposals must be opened in the presence of at least two persons.

Negotiations may be conducted with bidders after the date for the receipt of Proposals provided that the negotiations are conducted in a manner which:

- a) where there is more than one acceptable Proposal, affords equitable treatment to each acceptable bidder;
- b) where there is only one acceptable Proposal, provides an opportunity for discussion and revision of the proposal; and
- c) prevents the disclosure of the content of the discussion or negotiations from one Bidder to another Bidder.

Although the opening of Proposals is not public, a list of the submissions will be available to the public and the bidders on request.



An award of a contract based upon a Request for Proposal will be made to the supplier whose Proposal is determined to be the most advantageous to the Township based upon criteria for evaluation set out in the Request for Proposal package and equitably applied to all Proposals.

## **6. Sole Source and Single Source Purchases**

6.1 Single Source Purchases: A Single Source Purchase may be made where:

- a) the compatibility of a purchase with existing equipment, facilities or service is a paramount consideration;
- b) where an item is purchased for testing or trial use;
- c) where the Township purchases supplies for resale;
- d) where the Township has a rental contract with a purchase option and such purchase option could be beneficial to the Township;
- e) where items are being offered for sale by tender, auction or negotiation, Council may authorize the submission of a Bid or the conduct of negotiations where the Council determines the purchase to be clearly in the best interest of the Township; or
- f) for matters involving security, police matters, or confidential issues, a purchase may be made in a manner that protects the confidentiality of the contractor or the Township.

6.2 Sole Source Purchases: A Sole Source purchase may be made whenever applicable.

6.3 Approval: All Single Source and Sole Source purchases must be approved by Council.

## **7. Exemptions**

7.1 Exempt Vendors: A competitive Bid process shall not be required for Goods and Services provided by any of the following, when such Goods and Services are not available elsewhere:

- a) utilities;
- b) government agencies;

- c) crown corporations;
  - d) Vendors of Record; and
  - e) any other vendors or classes of vendors as approved by Council.
- 7.2 Exempt Purchases: A competitive Bid process shall not be required for purchasing any of the following:
- a) traveling expenses;
  - b) meals;
  - c) conferences;
  - d) seminars;
  - e) memberships;
  - f) subscriptions;
  - g) medical exams;
  - h) licenses or permits;
  - i) in-house services; and
  - j) any other Goods and Services as approved by Council.
- 7.3 Special Conditions: A competitive Bid process shall not be required to address a condition where lack of supplies or services may adversely affect the functioning of civic government, threaten public or private property or the environment, or jeopardize the health or safety of the public.
- 7.4 Interim Arrangements: A competitive Bid process shall not be required to address interim contract arrangements following the expiration or breach of a contract; or the receipt of unacceptable or uncompetitive Bids.
- 7.5 Emergencies: A competitive Bid process shall not be required to address Emergency circumstances. In those cases, purchases are completed using the most expedient method that takes economy into consideration. However, in each case the authorizing person shall submit a report to Council at its next meeting explaining the circumstances giving rise to the Emergency and outlining the purchases made.
- 7.6 Exemptions Approved by Council: Upon the request of a Department Head through a written report giving the rationale for the request, Council may authorize exemption from any or all the purchasing methods outlined in this by-law. Where an authorization is provided, it shall be granted by resolution.
- 7.7 Co-Purchasing: The Township may participate with other units of government, their agencies or public authorities in co-operative purchase ventures when the

best interest of the Township will be served. Where such participation is at variance with this by-law, Council shall first authorize any participation.

The Clerk may direct negotiations for the purpose of cooperative buying procedures with other municipal bodies and agencies as may be deemed advantageous to the Township.

- 7.8 Payment Authorization Prior to Budget Approval: Between the last regular meeting of Council in any year and the adoption of estimates for the next year, the Clerk is authorized to pay the accounts of any ordinary business transactions of the Township that are required to maintain services. This includes the payment of accounts or previously approved capital items and projects.

After the adoption of estimates, the Clerk is authorized to pay the accounts approved by the appropriate Department Head and to pay contract accounts upon receipt of evidence of value received.

## **8. Supplier Performance**

- 8.1 Disqualification Possible: Suppliers may be subject to disqualification if there is sufficient evidence of failure to meet the standards specified by the Township, or in the other circumstances outlined in this Section.
- 8.2 Performance Files: Administration will maintain supplier performance files when there are performance concerns.
- 8.3 Evaluation: Suppliers may be evaluated based on competitive price quality of a product, contract adherence and performance, after sales service and replies to Bid Requests.
- 8.4 Notice when Considering Disqualification: Upon reasonable notice in writing to the supplier involved, and after a reasonable opportunity for response and/or improvement, a supplier can be disqualified from submitting Bids for a period not exceeding three years.

- 8.5 Disqualification: Suppliers may be disqualified when any one or more of the following occurs:
- a) a person with significant management responsibilities relating to the supplier is convicted of a criminal offense or a provincial offense that casts doubt upon the honesty or integrity of that person;
  - b) an indication of lack of business integrity or honesty which directly affects the responsibility of the supplier;
  - c) a serious breach of contract indicating unwillingness to perform a contract in accordance with its terms, conditions or specifications; and/or
  - d) a pattern of unsatisfactory performance of one or more contracts in accordance with its terms, conditions or specifications.
- 8.6 Notice to Disqualified Supplier: A written decision shall be issued to the person disqualified, setting out the reasons for disqualification, to the usual business address of that person as shown in the records of the Township.
- 8.7 Authority: A decision to disqualify a supplier under this section can only be determined by the Council.

**9. Administrative Provisions**

- 9.1 Repeal: By-law Number 526 is repealed.
- 9.2 Effective Date: This by-law shall come into force and take effect on the date it is passed.

Enacted and passed this 8<sup>TH</sup> day of February, 2016.

**THE CORPORATION OF THE TOWNSHIP OF GILLIES**

**REEVE** \_\_\_\_\_

**CLERK** \_\_\_\_\_