

CORPORATION OF THE TOWNSHIP OF ASSIGINACK

BY-LAW # 2023-13

Being a By-Law to establish Policy and Procedures for the Procurement of Goods and Services and ensure that only authorized purchases are made in the best interests of the municipality.

WHEREAS the Municipal Act, 2001, Section 240 (1), (3) states that a municipality shall adopt and maintain policies with respect to its procurement of goods and services.

AND WHEREAS the municipal council of the Corporation of the Township of Assiginack deems it expedient to repeal By-Laws 2014-17 Tendering By-Law and 2014-18 Purchasing By-Law and to enact a new Purchasing/Procurement Policy By-Law 2023-13, to govern the authorization of purchasing;

NOW THEREFORE THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF ASSIGINACK HEREBY ENACTS AS FOLLOWS:

1.) PURPOSE:

To provide a corporate wide policy for the procedures and controls in the acquisition of goods and services for all municipal departments within the Township of Assiginack.

This By-Law will be reviewed on an annual basis by Council.

2.) DEFINITIONS:

“Council” shall mean the council of the Corporation of the Township of Assiginack.

“Municipality or Township” shall mean the Corporation of the Township of Assiginack.

“Goods and services” shall mean all supplies, materials or equipment and related procurement services, which may include installation, training, inspection, maintenance and repairs and related procurement services, but does not include land purchases, sales, and property leases.

“Bidder,” “Tenderer” or “Proponent” shall mean a person, agent, company, or other such entity that formally responds to a call for tenders, request for quotations or request for proposals by submitting a bid to do work, provide a product or service or to purchase real property. Within this by-law, these terms are interchangeable.

“Bid” shall mean an offer by a bidder, tenderer, or proponent in response to the document issued by the Township.

“Request for Tender or RFT” shall be utilized for competitive bids based on precisely defined requirements for which a clear or single solution exists. The bidder is required to state the cost of providing a good or service, or the cost of real property to the municipality with the expectation that a successful bidder will be granted a contract.

“Request for Proposals or RFP” shall be used to obtain competitive pricing when the requirements for goods or services needed cannot necessarily be specified. In these cases, a proposal call will be issued to obtain specific offers from bidders to fulfill the requirements for goods and services at a particular price.

“Request for Quotations or RFQ” shall mean a request from staff or council for the provision of goods or services for pricing/quotation, internal uses, budgeting purposes or funding application purposes. In no way does the issuance of a Request for Quotation or RFQ constitute a tender or the formation of a contract between the goods and services provider and the Township of Assiginack. RFQ's are used as an information gathering tool for future purposes.

3). AUTHORIZED PURCHASERS:

The following persons are authorized to initiate purchases for the described purposes:

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|-----------------------------|--|
| 1. CAO | All municipal purposes. |
| 2. Treasurer/Deputy CAO | All municipal purposes. (Authorized by CAO) |
| 3. Clerk | All municipal purposes. (Authorized by CAO) |
| 4. Assigned Project Officer | Purchases specifically related to the project. |
| 5. PW Superintendent | Public Works and Roads purposes. |
| 6. Fire Chief | Fire services purposes. |
| 7. Arena Manager | Purchases related to the Arena, Special Events/Projects. |
| 8. Head Librarian | Library purposes. |
| 9. Museum Curator | Museum purposes. |

4). DELEGATION OF AUTHORITY TO PURCHASE:

A person with the authority to initiate a purchase may delegate the authority in whole or in part, for purposes of absence, holiday, or expediency, to another staff members provided such delegation has received the approval of the CAO or Council. Any delegation shall be in writing with clearly defined terms and limits on spending.

5.) GROUPS WITH AUTHORITY TO PURCHASE :

The following have authority to initiate purchases by act of resolution. Said resolution shall clearly detail the individual(s) responsible for initiating the purchase.

- (1) Council

6.) METHODS OF PROCUREMENT:

a.) Where the required product or services can be specified and the estimated value of these goods and services, inclusive of delivery charges will cost:

\$0 to \$5,000 Direct Acquisition by those authorized in Section 3 (1-9) is acceptable.

\$5,001 to \$10,000 Three quotations to be obtained and authorization given by the CAO.

Over \$10,000 Tender required when goods or services can be defined within definite specifications.

Proposal required when the price is not the only consideration and when the product or service is evaluated against requirements.

Council resolution required.

b.) Emergency Purchases

Where an emergency exists, during working hours or after hours, requiring the immediate purchase of goods, services and/or construction, the CAO may authorize the purchase required by the most expedient and economical means.

c.) Submission of Invoices and Receipt

All invoices must be forwarded to the Treasurer. Purchasing authorities who ordered products and services must ensure that they attend the municipal office during the third week of every month to present and/or sign all invoices, assign account numbers to the various invoices, and authorize payments with their signature. The signature on the invoice indicates that the products and services have been received in workable and satisfactory condition, in the

quantities indicated on the invoice. The Treasurer or designate will sign the payment voucher indicating all purchasing documents are present and satisfactory and that the invoices may be paid.

d.) Submission of Expense Claim

Expense claims by staff and/or Council for properly authorized municipal activities, such as travel, accommodations, and meals may be submitted. All receipts must be attached to the expense claim and submitted to Accounts Payable within forty-five days of the activity.

7. MUNICIPAL TENDERING, REQUESTS FOR PROPOSALS AND REQUEST FOR QUOTATIONS:

As per section 6a.) within this By-Law, any goods or services purchased in the amount greater than \$10,000 must be received through the process of a Tender or Request for Proposal.

a.) Goods and Services Procured through Request for Tender (RFT)

The Request for Tender (RFT) process shall be utilized for competitive bids based on precisely defined requirements for which a clear or single solution exists. Tender documents will be prepared, advertised, reviewed, and evaluated by the issuing department and a recommendation prepared for Council's consideration.

b.) Goods and Services Procured through Request for Proposal (RFP)

Request for Proposals or RFP shall be used to obtain competitive pricing when the requirements for goods or services needed cannot necessarily be specified. In these cases, a proposal call will be issued to obtain specific offers from bidders to fulfill the requirements for the goods and services at a particular price.

The procedure for the preparation of documents, advertising, receiving of and opening of both Request for Proposals and Request for Tenders is the same.

c.) Request for Quotations (RFQ)

A Request for Quotation or RFQ may be issued when is when staff and/or Council are looking to purchase goods or services for pricing, quotation or internal uses, budgeting purposes or funding application purposes. The issuance of a Request for Quotation (RFQ) in no way constitutes a tender or the formation of a contract between the goods and services provider and the Township of Assiginack. RFQ's are strictly used as an information gathering tool for future procurement purposes.

8. PROCEDURES FOR REQUEST FOR TENDERS (RFT's) AND REQUEST FOR PROPOSALS (RFP's):

a.) Preparation of Documents

Municipal staff will prepare all required submission documents, which will include the RFT's and RFP's document, along with any guidance or instructions that are required for completing the submission and all necessary forms that are required to be submitted.

Submission documents should include:

- i.) The name of the Municipality calling the Request for Tender/Proposal and municipal logo.
- ii.) A description of the work, purpose or services, equipment required or property to be sold.
- iii.) The person whom submissions should be submitted to.
- iv.) The method in which submissions should be submitted.
- v.) The date and time of closing for receiving submissions.
- vi.) Any bonding or deposit requirements.

- vii.) Information regarding to whom and how questions will be received.
- viii.) The statement that the "lowest or any bid not necessarily accepted."
- ix.) Copy of the submission form to be completed and submitted.

b.) Methods of Advertising:

The Township of Assiginack will publicly advertise all Requests for Tenders, Proposals and Quotations utilizing a standardized process, which will include:

- i.) Advertising the call for submissions on the municipal website.
- ii.) Advertising the call for submissions on the Township of Assiginack's social media.
- iii.) Advertising the call for submissions in print via the newspaper, for a minimum of two weeks. This may include the local newspaper and regional newspaper(s) in Northern Ontario and across the province, depending on the target audience and nature of the tender, submission, or quotation. This will be at the discretion of the CAO.
- iv.) Municipal Staff may also look to advertise through other appropriate channels, such as online or municipal procurement sites. Pending budget and availability, the CAO will approve this.
- v.) Municipal Staff, as approved by the CAO, may issue special invites for requests for tenders, proposals and quotations to local and regional contractors and service providers.
- vi.) The following information may be included in advertisements for tenders, proposals, and quotations:
 - a.) The name of the Municipality calling the Request for Tender/Proposal and municipal logo.
 - b.) A description of the work, purpose or services, equipment required or property to be sold.
 - c.) The person whom submissions should be submitted to and their contact information.
 - d.) The method in which submissions should be submitted.
 - e.) The date and time of closing for receiving submissions.
 - f.) Any bonding or deposit requirements.
 - g.) Information regarding to whom and how questions will be received and their contact information.
 - h.) The statement that the "lowest or any bid not necessarily accepted."
 - i.) Link to the municipality's website to access the submission documents and further information.

c.) Tender/Proposal Submission Process:

- i.) All submissions must be submitted as per the instructions outlined with the Tender/Proposal Document(s).
- ii.) All submissions must be sealed and submitted using the necessary forms as stipulated in the Tender/Proposal Document.
- iii.) The submission must be legible, written in ink or type written. The bidder's authorized signing officer must initial any form of error, strikeout, erasure, or over-writing.
- iv.) All pricing must be in Canadian funds and must include all costs, such as incidentals and disbursements that are necessary and required to perform the work or provide the good(s) or service(s). No claims for extra work will be entertained and any additional work must be authorized in writing prior to commencement.
- v.) When necessary, please break down the pricing to show the costing sub-total, Harmonized Sales Tax (HST) amount and then total price (including HST).
- vi.) When relevant, the bidder/proponent may be asked to provide proof of their ability, in terms of their experience, staff members and potential references. The RFT/RFP document will stipulate whether this is a requirement.
- vii.) It is the responsibility of the person/organization submitting the tender or proposal to ensure that all necessary forms have been completed correctly and that all documents are submitted in accordance with the Tender/Proposal Document.
- viii.) It is the responsibility of the person/organizer to ensure that they have submitted their tender or proposal using the approved submission method, as stipulated in the

RFT/RFP document. Faxed or Emailed submissions will not be accepted, unless otherwise stated.

- ix.) A submission received after the closing date and time will not be considered and will be returned to the bidder, unopened.
- x.) The Township of Assiginack is not liable for any cost to prepare, present or submit the tender or proposal, as this cost will be the sole responsibility of the proponent.
- xi.) All enclosed documents that are submitted become the property of the Township of Assiginack and will not be returned. All written tenders and proposals received by the municipality become public records and once a tender/proposal is received and awarded, all information contained within may be available to the public. Questions about the collection of personal information and the Municipal Freedom of Information and Protection of Privacy Act, 1989, R.S.O. 1990, as amended may be directed to the Municipal Clerk's office.

d.) Acceptance of Bids/Submissions:

- i.) Upon receiving submissions for the issued RFT or RFP, staff will open and review the submissions to ensure all conditions have been met.
- ii.) Staff will then prepare a recommendation to Council for their consideration. Council will award the RFT or RFP to the successful bidder, by way of Council Resolution.
- iii.) Written notice will be provided to the successful bidder, as well as to all the unsuccessful bidders.
- iv.) If more than two submissions are received, the municipality may retain at least one of the other submissions in addition to the successful bidder until a formal agreement has been entered into with the successful bidder.
- v.) Where there are two or more submissions that are equal, the submission that was received earlier shall be deemed the higher one.
- vi.) The municipality reserves the right to award by item, or part thereof, groups of items or part thereof, and to award contracts to one or more bidders submitting identical bids as to price; to accept or reject any bids in whole or part; to waive irregularities or omissions, if in doing so, the best interest of the municipality is served; not to accept any submissions or bids; and the municipality may exercise the right to re-advertise, should they decide not to accept any of the bids. No liability will accrue to the municipality for any decision in this regard.
- vii.) All bids received shall be irrevocable for 60 days after the official closing date and time.

e.) Completion of Contract:

Upon award of the RFT or RFP by Council, the successful bidder/proponent will be expected to enter into a contract or agreement with the Township of Assiginack.

The contract and/or agreement may contain the following information:

- i.) Resolution issued by the Township of Assiginack Council authorizing the award of the work to be performed by the successful bidder/proponent.
- ii.) Full details and description of the work to be performed or detailed list of the products and/or services to be provided and delivery schedule, as per the successful proponents' submission, as awarded by Council.
- iii.) Copy of the submitted and awarded tender/proposal.
- iv.) The successful proponent agrees to adhere to all municipal, provincial, and federal statutes, regulations, and laws while under this contract.
- v.) When applicable, the successful proponent agrees to adhere to and comply with the Accessibility for Ontarians Act (AODA), and ensure that all their employees, agents and/or volunteers receive the necessary training as required under the Act.
- vi.) It is the successful proponent's responsibility to be aware of, comply with and enforce all health and safety regulations and requirements for their employees and

worksite, including any health and safety policies and procedures established by the municipality.

- vii.) Terms of Payments
- viii.) Default by Proponent Clause
- ix.) Changes in Scope of Work Clause
- x.) The successful bidder may not assign or sub-contract or any portion thereof without the prior and written consent of the Township.
- xi.) Signed off on both the authorized representative from both the bidder and the municipality.
- xii.) Any other pertinent information that the municipality deems necessary to be included within the agreement/contract.

The successful bidder/proponent will be expected to provide the following information/documents to the municipality following the award of the tender/proposal:

- i.) **Proof of Insurance:** Prior to commencement, the successful proponent must submit a copy of a Certificate of Insurance issued by their insurance provider, which lists the Township of Assiginack as a named insured on their policy. The successful proponent must have Comprehensive General Liability coverage of not less than \$2 million inclusive per occurrence for third party Bodily Injury and Property Damage.

It is the successful proponent's responsibility to ensure that they always have insurance coverage throughout their contract with the municipality.

- ii.) **Proof of WSIB Coverage:** Prior to commencement, the successful proponent and their personnel must be covered by the insurance plan under the Workplace Safety and Insurance Act, 1997 **AND** must provide a copy of their Clearance Certificate from WSIB, showing they are in good standing as an Independent Operator.
- iii.) **Proof of Surety:** The successful proponent may be required to submit proof of surety by providing either a deposit or satisfy bonding requirements, which is at the discretion of the municipality.

If proof of surety is required, the successful proponent must submit a deposit in the form of a certified cheque, bank draft or money order, made payable to the Township of Assiginack and this deposit may be held by the municipality until 60 days after the day on which all work covered under the contract/agreement is seemed completed and accepted by municipal staff.

If the Township requires the proponent to satisfy fidelity bonding requirements, then such a bond in the amount and form determined by the municipality must be submitted.

Failure to provide such surety within two weeks from the date of request shall permit the Township of Assiginack to withdraw their agreement/contract.

- iv.) **Any other documents that were stipulated in the Tender/Proposal Document.**

9.) ADDENDUM:

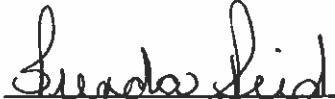
Schedules "A" and "B" attached hereto shall form part of this By-Law.

10.) EFFECTIVE DATE:


This By-law shall come into effect on the 18th day of July, 2023.

AS READ a FIRST and SECOND time, this 18th day of July, 2023.

AND AS READ a THIRD and FINAL time and considered passed, in open Council, this 18th day of July, 2023.



Brenda Reid, MAYOR



Heidi Ferguson, CLERK

TOWNSHIP OF ASSIGINACK

SCHEDULE "A"

GOODS AND SERVICES NOT SUBJECT TO BY-LAW 2023-13

1. Petty Cash Items

2. Training and Education Items

- 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

3. Refundable Employee Expenses

- a.) Advances
- b.) Meal Allowances
- c.) Travel expenses
- d.) Accommodation expenses

4. Employer's General Expenses

- a.) Payroll deduction remittances
- b.) Medicals
- c.) Debenture payments, grants, tax remittances.
- d.) Insurance premiums.

5. Professional Services

- a.) Legal fees and other professional services related to litigation or legal matters.
- b.) Utilities, which may include postage, water and sewer charges and hydro.
- c.) Advertising services required by the Township.
- d.) Banking services which are covered by agreements.

TOWNSHIP OF ASSIGINACK

SCHEDULE "B"

ADMINISTRATION PROCEDURE FOR BID IRREGULARITIES

	IRREGULARITY	RESPONSE
1.	Late Bids or Proposals	Automatic rejection and not read publicly.
2.	Unsealed envelope	Automatic rejection
3.	Insufficient financial security (when required)	Automatic rejection <i>(no bid/security deposit or agreement to bond or insufficient bid bond)</i>
4.	Required sections of the proposal are not completed.	Automatic rejection, unless the municipal staff opening the documents agree that the areas of the document not completed are trivial or insignificant.
5.	Bids or submissions received on documents other than those provided or specified by the Township.	Automatic rejection
6.	Bids or submissions containing minor clerical errors	48 hours to correct the initial errors.
7.	Failure to execute an agreement to provide surety or bond or bonding company corporate seal or signature is missing from agreement to bond.	Automatic rejection
8.	Failure to execute bid bond by Bidder and Bonding Company when requested and within the allotted period, as per Section 8e.) of this By-Law.	Automatic rejection or Withdrawal of Contract
9.	Missing signature(s)	48 hours to rectify situation