

CORPORATION OF THE CITY OF ST. THOMAS
BY-LAW NUMBER 69 - 2016

Being a By-law of the Corporation of the City of St. Thomas to address Purchasing regulations, processes and methods.

THE COUNCIL ENACTS AS FOLLOWS:

1. OBJECTIVE

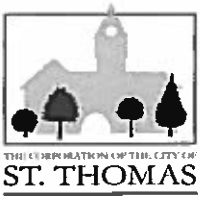
The objective of this By-law is to:

- a) ensure objectivity and integrity in the procurement process;
- b) ensure fair treatment of all bidders;
- c) ensure openness accountability and transparency while protecting the financial best interests of the City;
- d) obtain the best value when procuring supplies and services;
- e) facilitate decision making and promote consistency of interpretation and application of City policies;
- f) avoid conflicts between the interests of the City and those of the City's employees and members of Council, and
- g) comply with sections 270(1)3 and 270(2)3 of the Ontario Municipal Act, 2001, *as amended*.

2. DEFINITIONS

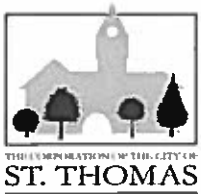
In this By-law

- a) **"Agreement"** means a legal document which implements a Contract that binds the City and all other included parties, subject to the contractual provisions of the Agreement.
- b) **"Authority", "Authorized" and "Authorization"** means the legal right to conduct the tasks outlined in this By-law as directed by Council and delegated through the City Treasurer to the party(s) specified in this By-law.
- c) **"Bid"** means an offer or submission received in response to a Bid Solicitation, which is subject to acceptance or rejection.
- d) **"Bidder"** means a legal entity that submits a Bid in response to a Bid Solicitation.
- e) **"Bid Irregularity"** means a deviation between the requirements of the Bid Solicitation and the information provided or received in a Bid response.
- f) **"Bid Security"** means a bond or deposit which guarantees that the Bidder, if awarded the Contract, cannot refuse to accept the contract as bid with impunity.
- g) **"Bid Solicitation"** means an invitation for Bids for the purpose of entering into a Contract; namely a Request for Proposal, Request for Quotation or Request for Tender.
- h) **"Board"** means a "local board" as defined in Section 1(1) of the (Ontario) Municipal Act, 2001, S.O. 2001, c.25 as amended and a "municipally controlled corporation" as defined in section 223.1 of said Act.
- i) **"City"** means the Corporation of the City of St. Thomas.
- j) **"City Treasurer"** means the Director of Finance/Treasurer for the City.



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- k) **"City Manager"** means the City Manager where such official is appointed by the City, or, if none, shall mean the City Clerk.
- l) **"Client Department"** is the City department or Board that has budgeted for the Goods and Services.
- m) **"Compliant"** means that all mandatory requirements of the Bid Solicitation have been met.
- n) **"Contract"** means a binding commitment between the City and one or more parties resulting from acceptance of a Bid or other procurement process duly authorized on behalf of the City in accordance with this By-law, the details of which may be confirmed by a written Agreement or Agreements.
- o) **"Council"** means the elected municipal council of the City.
- p) **"Department"** means any department in the City, and includes a Board.
- q) **"Director"** means any person responsible for leadership of a Department within the City or a Board.
- r) **"Designate"** means a person authorized by a Director to act on his or her behalf, for the purposes of this By-law.
- s) **"Disposal"** means the selling, trading, assignment, auctioning or scrapping of surplus assets.
- t) **"Employee"** means an employee, or individual working under a contract for personal services, of or for the City or a Board.
- u) **"Goods"** and **"Services"** and include all supplies, materials, equipment, vehicles, and other property, including leases of equipment, vehicles or property, and performance of construction, maintenance, consulting, professional services, and other services.
- v) **"Immediate Family Member"** means an individual's spouse, life partner and dependent child.
- w) **"Performance Security"** means a financial resource accessible to the City that guarantees the successful completion of a Contract awarded to a Bidder.
- x) **"Purchase Card"** means a payment card issued by a financial institution that can be used by authorized employees to purchase certain items as described in the City's Purchase Card Policy and Procedures Manual.
- y) **"Purchasing Agent"** means the purchasing agent as appointed by the City to administer procurement processes pursuant to this By-Law.
- z) **"Request for Expression of Interest (RFEI)"** is a focused market research tool used to determine vendor interest in a proposed project, not directly leading to the acquisition of Goods or Services from any responding proponent.
- aa) **"Request for Pre-Qualification (RFPQ)"** the process of screening potential suppliers, contractors or consultants in which such factors as financial capability, reputation and experience are considered in order to develop a list of qualified business who may then be allowed to submit Bids or proposals.



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- bb) **“Request for Proposal (RFP)”** is the process used to solicit Bids from Bidders for the purchase of Goods or Services where a clearly defined specification is not available or is difficult to develop due to unknown factors or uncertainty of requirements.
- cc) **“Request for Quotation (RFQ)”** is a request for Bids where the specifications are defined and the successful Bidder is the lowest Compliant Bidder. The value of the procurement is under \$100,000.00.
- dd) **“Request for Tender (RFT)”** is a request for Bids where the specifications are defined and the successful Bidder is the lowest Compliant Bidder. The value of the procurement is \$100,000.00 or greater.
- ee) **“Single Sourcing”** is the use of a non-competitive procurement process to acquire Goods or Services from a specific supplier even though there may be more than one supplier capable of delivering the same Goods or Services.
- ff) **“Sole Sourcing”** means the use of a non-competitive procurement process to acquire Goods or Services where there is only one available supplier for the source of the Goods or Service.

3. APPLICATION OF BY-LAW

- a) This By-law applies to the City, its Departments and Boards which receive greater than seventy-five percent (75%) of their annual funding from the City (unless the entity’s approved purchasing practises are more restrictive than this By-law).
- b) No expenditure, procurement or commitment shall be incurred or made, and no account shall be paid by the City for Goods or Services except as provided for in this By-law or otherwise approved by Council.
- c) No expenditure, procurement or commitment for a single item or any ongoing supply of Goods or Services shall be divided or apportioned into multiple purchases or Bid Solicitations with the sole object or purpose of circumventing any provision of this By-law.

4. ACCOUNTABILITY AND RESPONSIBILITY

4.1 City Treasurer

The City Treasurer shall be responsible for:

- i. administration and interpretation of this By-law.

4.2 Purchasing Agent

The Purchasing Agent shall be responsible for:

- i. administration of the procurement process for Goods and Services having a value of \$50,000.00 and over;
- ii. ensuring compliance with this By-law and reporting non-compliance in writing to the Client Department Director, City Treasurer and/or the City Manager;
- iii. providing procurement advice including preparing Requests for Expressions of Interest and for Pre-Qualifications and preparing Bid Solicitations;
- iv. reviewing the specifications, scope of work, or terms of reference as prepared by the Client Department to ensure a level playing field among Bidders;



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- v. committing and coordinating co-operative procurement with other levels of government, municipalities, boards, or other public sector entities where such procurement is determined to be in the best interest of the City;
- vi. checking and ensuring procedural compliance of Bids;
- vii. development and standardization of all procurement procedures;
- viii. disposal of surplus and obsolete Goods;
- ix. reviewing reports prepared by other Employees for award of Contracts to ensure compliance with this By-law, and
- x. developing and recommending, amendments, termination and adoption of policies, practices and procedures that support the objectives and application of this By-law.

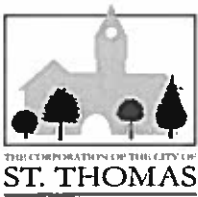
4.3 Directors

Each Director shall, in connection with Goods or Services required for their Department, be responsible for:

- i. the procurement of Goods and Services;
- ii. administration of the Request for Quotation procurement process for Goods and Services less than \$50,000, and maintenance of records to support compliance with this By-law;
- iii. preparation and submission of reports for Bid evaluation and awarding of Contracts in accordance with this By-law;
- iv. executing purchase orders for procurements up to \$50,000 in value;
- v. preparation of market ready specifications, scope of work, and terms of reference;
- vi. Contract review and inspection to ensure that the Goods and Services are being delivered in accordance with the Contract;
- vii. notifying the Purchasing Agent of any significant deficiencies or discrepancies with the Goods or Services received;
- viii. authorizing the payment of bills for Goods and Services, and
- ix. reviewing contractor performance.

5. DELEGATION OF AUTHORITY

- a) City Council has ultimate authority for all expenditures. Council delegates this Authority by the approval of budgets or by specific resolution or by-law.
- b) Budget approval by Council, of capital works and operating expenditures shall constitute Authorization for any purchase of Goods and Services necessary to carry out work within the approved cost of an approved project, provided such purchases are made in accordance with this By-law.
- c) Each Director has the ability to delegate their procurement responsibility described in this By-law. Directors shall submit a list to the City Treasurer specifying the Authority for approval of invoices for payment delegated to their Designate(s). This list shall specify the position, type of expenditure and dollar limits. It shall be reviewed annually. The expenditure approval Authority list as of the adopting date of this By-Law is attached as Schedule "A".
- d) Where Agreements which are required with contractors or suppliers under the terms of a Bid Solicitation or in accordance with standard business practice for procurement under this By-law, such Agreement(s) shall be executed under seal on behalf of the City as follows:
 - i. when Council approves the awarding of a Contract following a Bid Solicitation or other procurement process in compliance with this By-law it shall be deemed that pursuant to such approval the signing officers of the City have Authority to execute on behalf of



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the City any and all Agreements required to implement the awarded Contract;

- ii. where any other procurement process has been administered and concluded in compliance with this By-law, by the persons granted Authority to do so on the City's behalf under this By-law, the signing officers of the City accordingly shall have Authority under this By-law to execute on behalf of the City any and all Agreements required to implement the awarded Contract.

6. SURPLUS GOODS

- a) Each Director shall submit to the Purchasing Agent, from time to time and upon request, a written list of assets, which are deemed surplus, have become obsolete, worn out, damaged or are considered scrap. For the purposes of clarity, these assets are to include vehicles and equipment normally replaced on a scheduled basis and may be considered for 'trade-in' or replacement.
- b) All obsolete, damaged or surplus property shall first be offered to other Departments at its net value as determined by the Purchasing Agent and Director.
- c) All obsolete, damaged, surplus or scrap assets not required by any City Departments shall be accumulated by the City and shall be disposed of by any of the following:
 - i. a trade-in on purchase of vehicle/equipment for any City Client Department;
 - ii. public auction, (to be sold to the highest bidder);
 - iii. sealed Bid by advertised sale by public Bid, (to be sold to the highest bidder);
 - iv. removal to a City garbage or recycling disposal unit or an approved disposal site.
- d) Net proceeds from the disposal of surplus assets shall be transferred through the City's operating budget to the appropriate account as directed by the City Treasurer.
- e) No surplus assets shall be sold directly to an Employee, although this does not prohibit any Employee from purchasing City surplus assets being sold through a public auction or publically advertised bid process.
- f) Exceptions to this By-law for the disposal of surplus goods may be authorized by Council in circumstances where an asset may be considered for donation to a charitable organization where that assets may have a specific use by the charitable organization.

7. MONETARY REFERENCES

- a) All references to dollar amounts in this By-law are in Canadian dollars.
- b) All references to dollar amounts in this By-law do not include applicable taxes.

8. ADVERTISING OF BID OPPORTUNITIES

Unless Bidders have been pre-qualified, all Bid Solicitations for procurement of Goods and Services over \$50,000 in value shall be advertised on the City's website where appropriate for exposure to potential Bidders and by other publication methods suitable to the subject matter.



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9. PROCUREMENT METHODS

9.1 Low Dollar Procurement (less than \$10,000.00)

In this dollar range, the selection of a supplier shall be at the discretion of the Director of the Department requiring the Goods or Services. Staff should solicit a minimum of three (3) bids whenever possible.

9.2 Request for Quotation (\$10,000.00 but not more than \$50,000.00)

In this dollar range, each Director has Authority to administer the Procurement process for Goods and Services needed within their Department. The criteria below must be followed:

- i. a minimum of three (3) Bids are required;
- ii. a written request and a written response are required;
- iii. award is made to the lowest Compliant Bidder;
- iv. copies of the Bids and any Contract(s) that may result shall be kept on file in accordance with the City's Retention By-law.

9.3 Request for Quotation (\$50,000.00 but less than \$100,000.00)

In this dollar range, the Purchasing Agent is the person having Authority to administer the procurement process. The criteria below must be followed:

- i. the RFQ is advertised;
- ii. award is made to the lowest Compliant Bidder;
- iii. copies of the Bids and any Contract(s) that may result shall be kept on file in accordance with the City's Retention By-law, and;
- iv. a purchase order shall be issued to confirm the award.

9.4 Request for Tender (\$100,000.00 and over)

In this dollar range, the Purchasing Agent is the person having Authority to administer the procurement process. The criteria below must be followed:

- i. the RFT is advertised;
- ii. there is a public Bid opening;
- iii. award is made to the lowest Compliant bidder;
- iv. copies of the Bids and any Contract(s) that may result shall be kept on file in accordance with the City's Retention By-law, and
- v. a purchase order shall be issued or an Agreement executed to confirm the award.

9.5 Request for Proposal

The Purchasing Agent is the person having Authority to administer the procurement process. The criteria below must be followed:

- i. the RFP is typically advertised;
- ii. award is made to the highest scoring Bidder;
- iii. copies of the Bids and any Contract(s) that may result shall be kept on file in accordance with the City's Retention By-law, and
- iv. a purchase order shall be issued or an Agreement executed to confirm the award.



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9.6 Non-Competitive Procurement

In situations where a competitive procurement process may not be possible or preferred the City may award directly to one supplier to meet the requirements of the procurement; this practice is known as Single or Sole Sourcing. In Single or Sole Source situations the Director shall provide a written report, to the City Treasurer, with rationale for Single or Sole Sourcing the purchase and shall seek Authorization, in accordance with the process approval noted below. All reports shall be forwarded to the Purchasing Agent once departmental approvals are obtained.

10. PROCUREMENT APPROVAL

Within the following procurement values for Goods and Services the stated persons have purchasing Authority:

10.1 Procurement under \$50,000.00

The Director of the Client Department, or Designate is Authorized to award a procurement of Goods or Services.

10.2 Procurement from \$50,000 up to and including \$250,000

The City Treasurer in conjunction with the Client Department Director is Authorized to approve the competitive procurement process award, provided the total cost is within the Council approved budget for the project.

10.3 Procurement over \$250,000

Council approval is required to award a Contract. A competitive procurement process shall be used.

10.4 At the discretion of the City Treasurer or Council, Council approval may be required irrespective of the value of the Contract, if deemed in the best interest of the City.

10.5 Where any purchase of Good or Services has been Authorized under this By-law, the City Treasurer may Authorize disbursement of additional funds for the procurement, provided such additional funds shall not exceed ten percent (10%) of the original approved budget or \$25,000 whichever is greater.

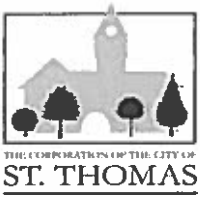
11. EXCEPTIONS

Departments may make a request in writing to the Purchasing Agent that certain Goods and Services be excluded from the provisions of this By-law provided the value of the procurement is less than \$250,000 or as specified below. Circumstances which may warrant a purchase being excluded from the provisions of this By-law, upon written approval of the City Treasurer, are as follows:

11.1 Emergency purchases of Goods and Services essential to prevent serious delays in the work of any Department, which might involve danger to life or damage to property. The Director or Designate shall make every effort to procure services by an open market procedure at the lowest obtainable price. The purchase shall be reported to the City Treasurer.

11.2 Upon written approval of the City Treasurer, Goods and Services estimated to cost at least \$10,000.00 but less than \$250,000.00 for which three bids cannot be obtained.

11.3 Where there is merit in purchasing at a public auction.



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- 11.4 Where there are very few acceptable sources of supply.
- 11.5 Where compatibility with existing Goods or Services forming part of a functioning system is appropriate for reasons of consistent operation, and/or efficiency.
- 11.6 Where extenuating and/or unusual conditions exist regarding certain Goods or Services.
- 11.7 In all such approved exceptions the methods of acquisition shall be those accepted as standard negotiating procedures that employ fair and ethical practices appropriate to the particular circumstances. The information pertinent to and the results of all such negotiations shall be reported to the City Treasurer and, at the discretion of the City Treasurer, shall be reported to Council.

12. BID PROCEDURES

12.1 **Public Bid Opening**

- i. Only Bids received in Request for Tender procurements shall be opened publicly.
- ii. The Purchasing Agent and a Client Department representative shall be present at the public opening of Bids.
- iii. The Purchasing Agent or Designate shall announce the name/number of the Bid, the name of the Bidder, and the total amount of the Bid. Bid results shall be posted to the City's website.

12.2 **All Bid Solicitations**

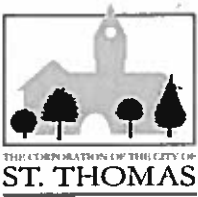
- i. Where two or more Bids for the same project are submitted in the same envelope, the one bearing the lowest price shall be considered as the Bid.
- ii. Where Bids for more than one Bid Solicitation are opened at the same opening, a low Bidder on a Contract may withdraw their Bid(s) on the remaining Bid Solicitation or Bid Solicitations. The withdrawal shall be effective only if made by a written notice of withdrawal signed by the Bidder which is received by the Purchasing Agent prior to the opening of any Bids in the Bid Solicitation to which it applies. Every withdrawal under this section is final and non-retractable.
- iii. As soon as practical following the opening of Bids, each Bid shall be checked to ensure the Bid is Compliant. Should an issue arise the Purchasing Agent shall follow the Bid Irregularity section of this By-law, Section 12.3.

12.3 **Bid Irregularities**

When a Bid Irregularity arises, the Purchasing Agent shall implement the consequences as detailed in Schedule "B" forming part of this By-law. In the event that a Bid contains a Bid Irregularity not described in Schedule "B", the Purchasing Agent shall report the nature of the Bid Irregularity to the City Treasurer for final determination.

12.4 **Bids with Equal Total Prices**

If two Bids in response to a Request for Tender or Request for Quotation are found to be equal in all respects, the successful Bidder shall be chosen by a coin toss. This action shall be taken in the presence of both low Bidders. If more than two Bidders are equal in all respects the



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determination of the successful Bidder shall be established in the presence of all of the low Bidders by lottery (drawing a name from a container).

12.5 Only One Bid Received

In the event that only one response is received for a particular Bid Solicitation, the Purchasing Agent will either:

- i. open the Bid, or;
- ii. delay the opening of the Bid for consultation with the Director of Client Department requesting the Bid to decide whether to open or reject the sole Bid;

A rejected Bid will be returned unopened. A decision to re-issue will be made jointly by the Purchasing Agent and the Director of the Client Department and shall be reported to the City Treasurer.

12.6 Unbalanced Bids

If, in the opinion of the Purchasing Agent, any Bidder has significantly over or underestimated the value of any of the Goods and Services to be provided or has submitted a zero bid for any of the Goods and Services to be provided, as reflected in its submitted Bid pricing, the Purchasing Agent may reject the Bid as unbalanced (i.e. in the opinion of the Purchasing Agent, not representative of the scope of the Goods and Services required to be included in the Bid).

13. PERFORMANCE SECURITY, INSURANCE AND WORKPLACE SAFETY AND INSURANCE BOARD CERTIFICATES

Where Performance Security is deemed necessary by the Purchasing Agent, it shall take the form of one or a combination of one or more of the following:

- i. Performance Bond
- ii. Labour and Material Payment Bond
- iii. Irrevocable Letter of Credit
- iv. Certified Cheque or Cash

In order to further protect the City, the following certificates shall be required from all successful Bidders:

- i. a current and valid insurance certificate for amounts specified in the Bid Solicitation.
- ii. a current and valid Workplace Safety and Insurance Board (WSIB) Clearance Certificate.

14. DEVELOPING SPECIFICATIONS

Suppliers, potential suppliers of Goods and Services and/or their consultants shall not be requested to expend time, money or effort to design or develop specifications or otherwise help define a requirement beyond the provision of general information.

Where services are required for the development of specifications, design or detailed scope of work:

- i. the Purchasing Agent shall be advised by the Director of the Client Department, in writing, prior to any Agreement for such development services;



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- ii. the contracted specification development service vendor shall be considered a consultant of the City and the Director of the Client Department in consultation with the City Treasurer may determine in their discretion that such consultant will not be permitted to make an offer for the supply of the Goods and Services for which the specifications design or work details have been developed by the consultant;
- iii. a fee shall be paid, the amount of which shall be determined and agreed upon by the vendor consultant before the development service commences;
- iv. where appropriate, the procurement of such services for development of design and specifications shall be in accordance with a procurement process described in this By-law.

The detailed specifications and design shall become the property of the City for use in obtaining competitive Bids.

15. LITIGATION AND BIDDERS

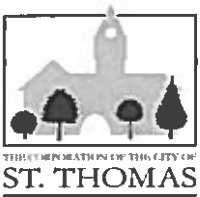
- (a) The City, acting through the City Treasurer in consultation with the City Manager and Solicitor, may in its absolute discretion after considering the criteria outlined in subsection (b), reject a quotation, tender, or proposal submitted by a Bidder who is engaged, either directly or indirectly through a corporation or personally, in a legal action against the City, its elected representatives, appointed officers, or Employees and where such litigation, whether in process before a court or an administrative tribunal, is in relation to:
 - i) any other Contract for Goods or Services;
 - ii) any other procurement process; or
 - iii) any matter arising from the City's exercise of its powers, duties, or functions.
- (b) In determining whether or not to reject a Bid or proposal under this clause, the City Treasurer and the City Manager and Solicitor will consider:
 - i) whether the litigation is likely to adversely affect the Bidder's ability to work with the City, its consultants and representatives; or,
 - ii) whether the City's experience with the Bidder indicates that the City is likely to incur increased staff and legal costs in the administration of the Contract if it is awarded to the Bidder or;
 - iii) whether the Bidder has been convicted of a criminal act against the City or one of its Boards; or,
 - iv) whether the Bidder has failed to satisfy an outstanding debt to the City or one of its Boards; or,
 - v) there are reasonable grounds to believe it would not be in the best interests of the City to enter into a Contract with the Bidder.
- (c) Council is to be advised by way of a memorandum when the City Treasurer intends to exercise his or her discretion to reject a Bid or proposal in accordance with this section.

16. PURCHASE CARDS

The Purchase Card may be used as a payment tool for low dollar purchases provided Purchase Card holders shall adhere to applicable requirements of this By-law and to the City's Purchase Card Policy and Procedures Manual.

17. ENVIRONMENTAL CONSIDERATIONS

The City shall make attempts to preserve the environment and reserves the right to encourage the procurement of Goods and Services with due regard to the preservation of the natural environment. Suppliers may be selected to supply Goods made by methods resulting in the least damage to the environment,



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and/or to supply goods incorporating recycled materials where practical. It is to be understood that total lifecycle cost analysis may be required to ensure that these Goods and Services are financially viable and available at competitive prices.

18. NO LOCAL PREFERENCE

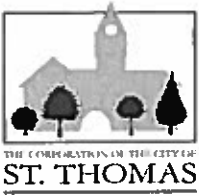
The City shall endeavour to achieve best value in its transactions. As a result, the City shall not be bound to purchase Goods or Services based on Canadian content, nor shall the City practice local preference in awarding purchasing Contracts.

19. SUSPENSION OF BIDDERS

At the discretion of the City Treasurer, any Bidder may be disqualified from bidding on portions of any City contract, or a contract in its entirety, for up to three (3) years for unsatisfactory performance, safety concerns, lobbying or contravention of the terms and conditions of a Bid Solicitation. Unsatisfactory performance shall be determined in accordance with Schedule "C".

20. COMPLIANCE AND PROHIBITIONS

- a) All persons involved in the procurement of Goods and Services shall act in a manner consistent with the requirements and objectives of this By-law.
- b) No Employee shall divide a purchase or a Bid Solicitation with the sole intent of avoiding the requirements of this By-law, including, but not limited to, splitting or apportioning of a procurement to fall under a different procurement method pursuant to Sections 8, Subsections 9.1, 9.2., 9.3 and 9.4.
- c) No purchases shall be made by the City for the personal use of an individual Employee, elected official or any appointed member of a Board or City commission or committee. Council may authorize City programs allowing certain purchases to be made by all Employees or elected officials.
- d) No Employee, member of Council or a member of their Immediate Family, nor any corporation effectively controlled by any such party, may submit a Bid to the City for the supply of Goods and/or Services.
- e) All Employees and elected officials, are expressly prohibited from accepting directly or indirectly from any person, company or corporation to which any purchase or Contract is or might be awarded, any rebate, gift, money or anything of value whatsoever, except where given for the use and benefit of the City.
- f) Members of Council shall separate themselves from the procurement process and have no involvement whatsoever in specific procurements. Members of Council should not see any documents or receive any information related to a particular procurement while the procurement process is ongoing. Members of Council who receive inquiries from Bidders related to any specific Procurement shall immediately direct those inquiries to the Purchasing Agent.
- g) Council may in its discretion direct that an exception be made to subsection 20(f) above to permit one or more members of Council to participate in a Bid Solicitation process where the procurement is to be conducted by a select committee to which one or more members of Council are appointed. The role of the Councillor(s) shall be restricted to functions as a member of such related committee.
- h) Employees or members of Council shall not engage in purchasing goods from the City at the City's net cost of procurement.



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21. SCHEDULES

Attached hereto and forming part of this By-law are the following Schedules:

- i. Schedule "A" – Approval Authority
- ii. Schedule "B" – Bid Irregularities
- iii. Schedule "C" – Contractor Performance

22. REVIEW

This By-law will be reviewed from time to time for updates to clauses currently in force. With each new term of Council the By-law will be subject to a complete review for changes in the purchasing process and in the purchasing parameters and will in any case be submitted to Council for approval.

23. BY-LAW REPEALED

Purchasing By-law 118-2007 of the Corporation of the City of St. Thomas and all amendments thereto are hereby repealed.

READ a First and Second time this 11th day of April, 2016.

READ a Third time and Finally passed this 11th day of April, 2016.

Handwritten signature of Maria Konefal in cursive script, positioned above a horizontal line.

Maria Konefal, City Clerk

Handwritten signature of Heather Jackson in cursive script, positioned above a horizontal line.

Heather Jackson, Mayor



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BY-LAW NO. 69 -2016

| SCHEDULE A | | | | |
|-------------------------------|---|--|--|----------------------|
| APPROVAL AUTHORITY | | | | |
| Department | Sub Department | Position | Type of Expenditure | Maximum Limit |
| Clerks | Mayor & Council | Administrative Assistant | Office Related Expenses | \$5,000 |
| | Administration | City Clerk | All Departmental | \$500,000 |
| | | Administrative Clerks | Office Related Expenses | \$5,000 |
| | Corporate Services | Customer Service Coordinator | Office Related Expenses | \$5,000 |
| | Airport | Airport Superintendent | All Airport Related | \$50,000 |
| EDC | | General Manager | All Departmental | \$500,000 |
| | | Economic Development Officer | Office Related Expenses | \$15,000 |
| Environmental Services | Administration | City Engineer | All Departmental | \$500,000 |
| | | Administrative Assistant | Office Related Expenses | \$5,000 |
| | Capital Works Service Area | Manager of Capital Works | All Departmental | \$100,000 |
| | Development and Compliance Service Area | Manager of Development and Compliance | City Contracts & Engineering Related Expenses | \$100,000 |
| | | Waste Management Coordinator | Waste Management | \$5,000 |
| | Sewer and Water Service Area | Manager of Sewer and Water | Water/Wastewater & Office Related Expenses | \$100,000 |
| | | Water/Sewer Foreman | Water/Sewer Related Expenses | \$25,000 |
| | | PCP Foreman | In absence of Manager of Sewer and Water for PCP | \$25,000 |
| | | Wastewater Inspector | Office Related Expenses | \$5,000 |
| | Roads and Transportation Service Area | Manager of Roads and Transportation | St. Thomas Energy Invoices & Public Works Related Expenses | \$100,000 |
| | Roads/Traffic Foreman | Roads/Traffic Related Expenses | \$25,000 | |
| | By-law Enforcement | By-law Related Expenses | \$5,000 | |
| Fire | | Chief | All Departmental | \$500,000 |
| | | Deputy Chief | All Departmental | \$500,000 |
| | | Office Administrator | Office Related Expenses | \$1,000 |
| Human Resources | | Director | All Departmental | \$500,000 |
| | | Safety & Disability Manager | WSIB Billings | \$50,000 |
| | | | Health & Safety Related | \$5,000 |
| | | Payroll, Benefits & Pension Manager | Payroll Related Expenses | \$50,000 |
| | | | OMERS & EHB Premiums | \$500,000 |
| | | Employee Relations Coordinator | General Office Expenses | \$10,000 |
| | Payroll Assistant | General Office Expenses | \$5,000 | |
| | | EHB Premiums | \$250,000 | |
| | | In absence of Payroll Manager - All expenses | \$50,000 | |
| | Human Resources Assistant | General Office Expenses, | \$5,000 | |
| Library | | Chairperson | All Departmental | \$500,000 |
| | Chief Librarian & One Board Member on invoices over \$25,000. | Vice Chairperson | All Departmental | \$500,000 |
| | | Chief Librarian | All Departmental | \$25,000 |
| | | Finance Chairperson | All Departmental | \$500,000 |



CORPORATION OF THE CITY OF ST. THOMAS
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| SCHEDULE A APPROVAL AUTHORITY | | | | | |
|--|-------------------------------|---------------------------------------|---|------------------------------------|-----------|
| Department | Sub Department | Position | Type of Expenditure | Maximum Limit | |
| Ontario Works | Administration | Director | All Departmental | \$500,000 | |
| | Administration | OW Program Manager | All Departmental | \$500,000 | |
| | Employment and Income Support | Supervisors (2) | All Program Related Expenses | \$25,000 | |
| | Child Care | Supervisor | All Program Related | \$25,000 | |
| | Social Housing | Housing Administrator | All Program Related Expenses | \$25,000 | |
| Parks & Recreation | | Director | All Departmental | \$500,000 | |
| | | Administrative Assistant | Office Related Expenses | \$2,000 | |
| | | Supervisor of Recreational Facilities | All Recreation Related Expenses | \$50,000 | |
| | | Supervisor of Parks & Forestry | All Park Related Expenses | \$50,000 | |
| | | Arborist | All Park Related Expenses | \$5,000 | |
| | | Gardener | All Park Related Expenses | \$5,000 | |
| | Property Maintenance | Building Maintenance Supervisor | Building Maintenance Expenses | \$50,000 | |
| | | Building Maintenance | Building Maintenance Expenses | \$2,000 | |
| | | Building Projects Mechanic | Building Maintenance Expenses | \$2,000 | |
| | Planning | | Director | All Departmental | \$500,000 |
| | | Planning Assistant | Office Related Expenses | \$1,000 | |
| Building | | Chief Building Official | Office Related Expenses | \$15,000 | |
| | | Permits & Building Services | Office Related Expenses Road Cut Deposit Refunds | \$2,000 \$10,000 | |
| Police | | Chief | All Departmental | \$500,000 | |
| | | Deputy Chief | All Departmental | \$500,000 | |
| | | Inspector | All Departmental | \$500,000 | |
| Treasury | Administration | City Treasurer | All Corporate | \$500,000 | |
| | | Manager of Finance | All Corporate | \$250,000 | |
| | | Manager of Accounting | All Corporate Developer Payouts School Board Payments | \$250,000 \$50,000 \$500,000 | |
| | | Tax Collector | Property Tax Related Office Tax Account Rebates | \$5,000 \$5,000 | |
| | IT | Network Administrator | Computer Related | \$25,000 | |
| | Purchasing / Licensing | Purchasing Agent / Licensing Officer | Purchasing/Licensing Related Expenses | \$25,000 | |
| | Valleyview | | Administrator | All Departmental | \$500,000 |
| | | | Director of Care | All Departmental | \$500,000 |

Notes

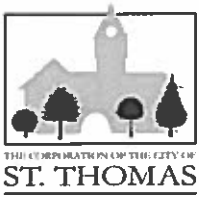
- 1) All corporate invoices over \$500,000 must be co-signed by the City Treasurer or their designate. The designated signator in absence of Treasurer is the Manager of Finance first, then Manager of Accounting in absence of the Manager of Finance.
- 2) All corporate invoices over \$500,000 signed only by the Treasurer must be co-signed by the City Manager.
- 3) All EDC General Manager expense claims must also be signed by EDC President



CORPORATION OF THE CITY OF ST. THOMAS
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SCHEDULE "B"
BID IRREGULARITIES

| IRREGULARITY | CONSEQUENCE |
|---|--|
| Late Bids | Rejection |
| Bid security not provided or not in the form or amount specified | Rejection |
| Bid security not signed by the Bidder or the bonding company | Rejection |
| Bid not completed in ink | Rejection |
| Signature missing from signature page | Rejection |
| Failure to acknowledge Addenda | Rejection |
| Bids received on documents other than those provided by the City | Rejection |
| Conditions placed by the Bidder on the total price (qualified bid) | Rejection, unless allowed for in Bid Solicitation |
| Pricing or required terms made subject to contingencies or conditions | Rejection, unless allowed for in Bid Solicitation |
| Failure to attend mandatory site meeting | Rejection |
| Unit Prices in the Bid document which have been changed but not initialed by the Bidder | Rejection |
| Mathematical Errors | The City has the right to correct mathematical errors. |



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SCHEDULE "C"
CONTRACTOR PERFORMANCE

For the purpose of this Schedule, the word "contractor" shall mean the individual, firm, or corporation to whom a contract has been awarded for the provision of services to the Corporation of the City of St. Thomas.

At the outset of a project, the City shall institute a performance evaluation process for all construction contracts, and for such other service contracts as deemed necessary by the Purchasing Agent. The City shall notify general contractors that an evaluation will be undertaken, provide performance expectations, and provide a blank rating form. Performance discussions shall occur at site meetings to provide regular feedback on performance. Following substantial performance, the City's project manager shall prepare a report on the performance of the general contractor. The report will rate performance in various categories including: organization, quality of work, public relations, supervisory staff, safety practices, clean up and time for completion. A copy of the completed report shall be provided to the contractor.

- a) The performance evaluation shall rate the performance of the contractor on standard criteria adopted from time to time, provided such evaluation criteria shall be determined in advance of the subject project. The general contractor shall be responsible for the performance of its sub contractors and will be evaluated as such. Performance issues must be noted in writing with a copy to the contractor and a copy to the Client Departmental project file. Performance issues must also be noted in any site meeting or project meeting minutes.
- b) The performance evaluation shall determine whether a contractor will:
 - i) be allowed to bid for future Contracts with the City;
 - ii) be suspended from a specific scope of work on any Contracts for up to three (3) years.
 - iii) be suspended from bidding on any Contracts for a period of up to three (3) years.

Provided that in making any such determination the City may also rely on the results of prior performance evaluations relating to other Contracts performed by the same contractor.

- c) If the evaluation results in suspension, no bid shall be accepted from the contractor during the term of the suspension. Any bid submitted by the contractor shall be returned, unopened to the address on the bid envelope. If the contractor is listed as a sub-contractor on another bid, the City will notify the general contractor that they will be unable to accept the submitted bid unless another sub-contractor is identified. It is the suspended contractor's responsibility to notify any general contractors of their suspension.
- d) If the evaluation does not result in suspension, performance with negative outcomes may be taken into consideration where a Bidder's past record of performance may validly be a criterion in the scoring of Bidders under a Request for Proposals process.
- e) The contractor may request a debriefing meeting to discuss the evaluation within twenty (20) calendar days following delivery of the evaluation. The request outlining any comments or concerns with the Performance Review rankings should be sent in writing to the relevant Client Department Director for review. Only the comments and rankings of the Contractor Performance Review shall be open for discussion. Any changes to the evaluation form and weighing criteria will not be entertained. If the contractor remains unsatisfied with the outcome of the debriefing meeting, the contractor can request, in writing to the City Treasurer, a further review by the Review Committee.
- f) The Review Committee shall hear from both City staff and the contractor at a time and place appointed in writing by the Committee. The Committee shall be



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SCHEDULE "C"
CONTRACTOR PERFORMANCE

comprised of the City Manager, the City Treasurer or designate and two (2) Directors or their designate(s). A quorum of the Review Committee shall be two of the four members. The decision of the Review Committee shall be final and shall be provided in writing to the Purchasing Agent, The Director of the Client Department and the Contractor.

- g) Bids will not be accepted from the subject contractor for work as a general or sub-contractor during the review process.
- h) The results of any performance evaluation may be disclosed to other Municipalities or government bodies upon request.