

**THE MUNICIPAL CORPORATION OF THE CITY OF IQALUIT, NUNAVUT
BY-LAW No. 968**

PROCUREMENT BYLAW 968

WHEREAS Council (“Council”) of the Municipal Corporation of the City of Iqaluit (“City”) has the authority to pass by-laws regulating City expenditures and the control of the same pursuant to section 139(1) and (2) of the *Cities, Towns, and Villages Act*, S.Nu. 2003 (“Act”);

WHEREAS this By-Law is intended to address all processes by which goods and services are purchased.

WHEREAS City employees and Council members have a responsibility to put the interests of the public ahead of their own and ensure they are free of bias and not influenced by outside factors so that purchasing decisions can be shown to be fair and objective;

WHEREAS it is important that all City employees and Council members – regardless of level of experience with purchasing goods and services on behalf of the City – know what is expected of them when carrying out such responsibilities so that the Public interest and confidence is maintained.

AND WHEREAS Canadian Statutes and Case Law has established provisions involving the conduct of the solicitation process where the integrity of the solicitation process must be upheld, and by establishing principals that are relevant to public procurement.

NOW THEREFORE PURSUANT to the provisions of the *Act*, City Council, in regular session duly assembled, enacts this By-law to provide for the purchase of goods and services as follows:

SEVERABILITY

If any provision of this by-law is declared invalid because of any word, phrase, clause, sentence, paragraph or section of this by-law or any documents, which form part of this by-law or an application thereof to any person, or circumstance is declared invalid, the remaining provisions shall not be affected thereby, but shall remain in force.

1. SHORT TITLE

- (a) This By-Law, cited as the “Procurement By-Law.”

STATEMENT

The City of Iqaluit procurement process identified herein shall be open, fair and transparent and adhere to the basic underlying principals of procurement as outlined within Canadian Law.

“Fairness”, as a principal, means the procurement process is free from preference, judgement, self-interest, and favouritism. “Open” shall mean that anyone who is eligible can bid, and “transparent” shall mean that the rules are known to everyone.

Preference will be given to local suppliers throughout all aspects of procurement process within the City.

The Law of Tendering is a branch of contract law, and shall be governed by the same principals where such laws apply.

Municipal contracting processes are governed by common law and established within municipal statutes, by-laws and contracting policies and procedures.

2. DEFINITIONS AND INTERPRETATION

2.1 The following terms shall have the meanings set out below:

- (a) “Agreement” means any obligation between the City and at least one other party expressed in writing at the conclusion of Purchasing activity.
- (b) “Award” means the authorization to proceed with the purchase of deliverables;
- (c) “Best Value” means, in relation to a purchase, that the purchase represents the optimal balance of high quality and financial terms;
- (d) “Bid” means a submission received in response to a call for bids, and includes a proposal;
- (e) “Bidder” means any legal entity that submits a bid in response to a call for bids and includes a Proponent;
- (f) “Call” means a formal request for bids and includes a Request for Quotations, a Request for Tenders and a Request for Proposals;
- (g) “Chief Administrative Officer” (“CAO”) means the Chief Administrative Officer of the City of Iqaluit;
- (h) “Contractor” means any legal entity to whom a contract is awarded and includes a vendor, supplier, service provider and consultant;
- (i) “Cost” means the total sum of all cost components including, without limitation, purchase price, all taxes, warranties, local service costs, life cycle costs, time of completion or delivery, inventory carrying costs, operating and disposal costs for determining the lowest compliant Submission. For further clarity, the definition of “Cost” excludes all and any disbursement(s),

including sea, air and ground transportation costs, transportation insurance and freight costs by sea, air or truck (and related insurance costs, if any);

- (j) "Council" means the Council of the Municipal Corporation of the City of Iqaluit established pursuant to the *Act*;
- (k) "Deliverables" means goods, services and construction;
- (l) "Purchasing activity without bids" means a purchasing method where there are no bids and negotiations are entered into with one or more than one Vendor;
- (m) "Director" means a person appointed by the CAO to be responsible for the operation of a City department;
- (n) "Information and Expression of Interest" means a Submission by a Supplier in response by a call to determine the marketplace interest for providing the City with goods or services;
- (o) "Local Purchase Order" means a written offer to a local supplier stating the terms and conditions on which the City shall purchase goods or services whose costs fall within the applicable purchasing limit.
- (p) "Local Supplier" means a person who satisfies all of the following criteria:
 - 1. maintains a current City business license; and
 - 2. operates from a location within the boundaries of the City.
- (q) "Pre-Qualification Submission" means the submission of qualifications by a supplier in response to a call as part of a process to determine those suppliers who would qualify to be solicited in a subsequent call;
- (r) "Proponent" means a supplier who submits a proposal or a pre-qualification submission prior to a proposal;
- (s) "Proposal" means an offer by a supplier to furnish goods, services or construction, including professional consulting services, as a basis for negotiations between the City and the supplier before entering into an agreement;
- (t) "Purchasing activity" means the purchase of goods or services on behalf of the City, with or without bids, from external sources;
- (u) "Purchasing Limit" means the maximum cost associated with each form of purchasing activity as set out in this By-Law;
- (v) "Purchase Order" means an agreement between the City and a supplier to supply goods or services where a need is anticipated for a specific purpose and for which convenience and location are major factors but the actual demand is not known at the outset;

- (w) "Quotation" means an offer by a supplier to supply goods or services at a price fixed as to the total amount or on a unit basis, or both;
- (x) "Sole Source" means engaging in purchasing activity (without bids) with a vendor to provide goods, services or construction where there is only one vendor is able to meet the requirements of the procurement under one of the circumstances set out in this By-Law;
- (y) "Special Circumstance" means an event or circumstance that may reasonably described as one or more of the following:
1. an event or circumstance that is a threat to the health, safety or welfare of the public;
 2. an event or circumstance that will disrupt or has disrupted essential City services;
or
 3. an event or circumstance that requires immediate action by the City and may not reasonably be addressed through bids.
- (z) "Supplier" means a person who makes a submission to the City or who supplies goods or services to the City in accordance with this By-Law and its related procedures;
- (aa) "Tender" means a bid by a supplier in respect of goods and services, including construction at a price fixed as to total amount or on a unit basis, or both, and where all of the material terms, conditions and specifications to be met for the construction project are contained in the Call and determined at a time a bid is opened;
- (bb) "Vendor" means an individual or organization that may offer goods, services or construction to the
City including but not limited to contractors, consultants, suppliers and service organizations.

3. PROCUREMENT PHASES

- a) Pre-Contractual Phase
This includes activities related to requirement definition and preliminary procurement planning up to issuance of bid solicitation.
- b) Contracting Phase
Includes all activities from issuance of bid solicitation to contract award and debriefing.
- c) Contract Administration Phase
Includes activities such as progress monitoring, delivery follow-up, payment action and monitoring.

- d) Post-Contractual Phase
Includes final action and contract closeout.

3.1 The City of Iqaluit can and may use open, restricted and negotiated procedures including but not limited to:

- a) Invitation to tender.
- b) No-Negotiation Request for Proposal.
- c) Invitational Request for Quotation.
- d) Open Request for Quotation
- e) Request for Supplier Qualification – Prequalification.
- f) Sole Source

A Request for Proposal can and may be used for complex requirements, containing both financial and technical criteria.

A Request for Tender can and may be used for real property and construction.

A Request for Quotation can and may be used with soliciting for three quotes at minimum, however the City reserves the right to accept any and all quotes under the required minimum.

The City of Iqaluit shall have discretion on the choice of procurement procedures, with the exception of a broad restriction on sole sourcing unless certain limited exceptions exist.

Sole Sourcing - Limited Exceptions

- a) Up to \$84,000.00
- b) Construction up to \$100,000.00

Notwithstanding a) through c), the City of Iqaluit sole source justification criteria shall include:

- a) The source has a unique capability, expertise, facilities or equipment that no other source can provide to satisfy the requirements.
- b) Compatibility exists with existing equipment and/or standardization of parts.
- c) There is no alternate sources of supply that can meet the mandatory performance specifications identified by the City of Iqaluit. In emergency situations, and approved by Council.
- d) In emergency situations, and approved by Council.

4. CONTRACTS

The City of Iqaluit shall adhere to the terms and conditions of the *Bidding Contract* and cannot accept any non-compliant bids.

The City of Iqaluit shall:

- a) Act towards all compliant bidders fairly and in good faith, particularly during the evaluation of bids.
- b) Make decisions to award or reject submissions based on criteria that are disclosed in the procurement documents.

Bidders cannot revoke or supplement their submission, however the City of Iqaluit may include privilege clauses, which are recognized as fully enforceable. Such clauses allow the City of Iqaluit to reserve itself the right to award contracts to bids that may not be for the lowest price, or not to award contracts at all.

The City of Iqaluit holds right to impose any number of criteria on bidders such as:

- a) Prior similar work experience
- b) The absence of claims or prior litigation
- c) Scheduling criteria
- d) Past performance
- e) Past project excessive overrun costs incurred and Change Orders

4.1 Awarding of a contract where it is the intent to award a contract to a third party other than the lowest bidder, the decision shall be presented before Council for approval.

5. APPLICATION

- 5.1 Any person involved in City purchasing activity has a duty to ensure that all purchasing activity is performed fairly and objectively to serve the public interest, and shall be aware of and comply with this By-Law, including ensuring the best value is obtained when spending public money;
- 5.2 The form of procurement as identified in 1.1 a) through f) shall meet all forms of the procurement process and associated documents included where required compliance with Federal or Territorial laws and policies apply.
- 5.3 No personal purchases shall be made by the City directly or indirectly for Council and Committee members or for any City officer or employee and all procurement shall be undertaken in accordance with applicable Codes of Conduct;
- 5.4 Council Members shall conduct themselves in accordance with Nunavut's *Conflict of Interest Act*, RSNWT (Nu) 1988, c. C-16, which may be amended from time to time.

- 5.5 No purchasing activity may be conducted in such a way as to avoid application of this by-law, and without limiting the generality of the foregoing, no purchasing activity shall be divided into two or more parts for the purpose or intent of, or with the effect of, avoiding or frustrating the application of this by-law;
- 5.6 No purchasing activity shall be made under this by-law unless Council has provided funds for such the same in the City budget or has otherwise agreed to the provision of such funds and no expenditure shall be authorized or incurred in excess of such funds. However, in special circumstances, Council may authorize any purchase or procurement where to do so would be in the best interests of the City and by adhering to all aspects of governing procurement laws;
- 5.7 This by-law shall not apply to the acquisition or disposal of any real property or to any lease, right or permission relating to the use or occupation of real property;
- 5.8 When the procurement of deliverables is required under any lease of real property and is provided for under the terms of such lease, including tenant improvements, equipment and fixtures, the terms of the lease shall govern to the extent of any conflict with this by-law;
- 5.9 The provisions of this by-law shall apply to by-law #404, Property Procedures by-law. In the event of a conflict between the provisions of this by-law and the Property Procedures by-law, this by-law shall govern.
- 5.10 This by-law shall also be read in conjunction with all other City by-laws including by-Law #503, Signing Authority by-law, and the City's Conflict of Interest policy and procedures, including those relating to the use (limited) of the City's corporate credit card.
- 5.11 Where a Council member or City employee has, or may have, a personal pecuniary interest in purchasing activity or in an Agreement or a proposed Agreement, whether such personal pecuniary interest is either on his or her own behalf or while acting for, by, with or through another person, regardless of whether that pecuniary interest is direct or indirect, that Council member or City employee shall:
- (a) immediately disclose in writing the general nature of the pecuniary interest to the CAO and the Director of the City Department involved in the purchasing activity;
 - (b) shall not take part in an award or the making of an agreement; and
 - (c) shall not attempt in any way to influence an award or the making of an agreement.

6. **RESPONSIBILITIES AND AUTHORITIES TO UNDERTAKE PURCHASING ACTIVITY**

6.1 City Council

6.2 City Council: In keeping with the City's best practices, the Mayor and Members of Council shall have no involvement in specific purchasing activity, unless otherwise permitted in this by-law.

6.3 The Mayor and Members of Council who receive inquiries from bidders related to any specific procurement are required to advise the bidders(s) to communicate with the contact person listed.

6.4 City officers and employees responsible for purchasing activity

1. The CAO: The CAO has authority to undertake purchasing activity in accordance with this by-law and may:

- (a) place restrictions on purchasing activity where such restrictions are reasonably considered to be in the public interest;
- (b) delegate his authority under this by-Law.

2. Department Directors: each Director has the authority to undertake purchasing activity in accordance with this by-Law, and:

- (a) is accountable for achieving the specific objectives of the purchasing activity;
- (b) shall engage with the CAO and/or the Purchasing Committee as required by this by-law.

3. Director of Corporate Services: the Director of Finances or delegate shall be responsible for:

- (a) providing procurement advice, including, but not limited to, overseeing calls for bids; administering calls for bids and ensuring compliance with the terms and conditions of the calls for bids;
- (b) reviewing statements of work and specifications for compliance with the terms of this by-law, including section 1 of this by-law;
- (c) the development of co-operative purchasing agreements with other levels of government, municipalities, boards, agencies, commissions, or private sector entities, as the case may be, where such arrangements are determined to be in the best interests of the City;

(d) the standardization of all purchasing procedures.

4. Where any authority has been granted to any person under this by-law, such authority may be exercised by that person's authorized designate. The appointment of a designate shall be subject to the CAO's written approval.

7. PURCHASING ACTIVITY WITH AND WITHOUT BIDS

1. Direct Purchases: Purchasing Activity Without Bids

7.1.1 Deliverables may be procured without issuing a call for bids where:

(a) in the opinion of the CAO after recommendation from the Purchasing Committee, there is only one entity reasonably capable of providing the deliverables; or

(b) The source has a unique capability, expertise, facilities or equipment that no other source can provide to satisfy the requirements.

(c) Compatibility exists with existing equipment and/or standardization of parts.

(d) There is no alternate sources of supply that can meet the mandatory performance specifications identified by the City of Iqaluit. In emergency situations, and approved by Council.

(e) There is no alternate sources of supply that can meet the mandatory performance specifications identified by the City of Iqaluit. In emergency situations, and approved by Council.

(f) In emergency situations, and approved by Council.

(g) the purchasing activity relates to the purchase of services that are procured based on compliance with eligibility criteria other than the bid process, under programs approved by Council, and where multiple contractors may provide the same or similar services.

7.1.2 The CAO may authorize purchasing activity for the City, without issuing a call for bids, that does not exceed one hundred and fifty thousand (\$150,000.00) dollars, provided the CAO is satisfied that the purchase of the deliverable represents the best value and provided the Director of Corporate Services or Director, as the case may be, advises the CAO, prior to the purchase without bid, which does not exceed one hundred and fifty thousand (\$150,000.00) dollars.

7.1.3 The Purchasing Limit for purchasing activity without bids shall be as follows:

Local Purchase Order	Up to \$200.00 for a City employee authorized by his/her Director to proceed with a Local Purchase Order
----------------------	--

Purchase Order	Up to \$10,000.00
Sole Sourcing	Up to \$84,000.00 for services. (CAO approval) Up to \$100,000.00 for Construction (CAO approval)

7.1.4. Purchasing Activity with Bids

The Purchasing Limit for purchasing activity with bids shall be as follows:

Request for Quotations (“RFQ”)	\$50,000.00 up to but not exceeding \$150,000.00 in the total cost
Request for Tenders (“RFT”)	\$150,000.00 or more
Request for Proposals (“RFP”)	\$150,000.00 or more
Request for Information and Expression of Interest	No Threshold

8. Request for Quotations

8.1 Where the Cost of any purchasing activity (with or without bids) exceeds one hundred and fifty thousand dollars (\$150,000.00), a Request for Quotations (RFQ) shall be issued:

- (a) A minimum of three (3) written quotations shall be solicited, if available;
- (b) The Purchasing Committee consisting of the Director of Corporate Services, the applicable department Director and another Director, selected by the CAO, shall make a recommendation to the CAO, which includes any dissent, regarding award to the bidder submitting a responsive bid with the lowest total cost. The award may be made notwithstanding that fewer than three (3) quotations are received.

Pre-qualification: Request for Quotations Expressions of Interest/Request for Information

8.2 Following the written recommendation by the Purchasing Committee to the CAO, including any dissent, the CAO may issue a request for expressions of interest or a request for information for the purpose of determining the availability of any deliverable:

- (a) A request for expressions of interest or a request for information may be conducted as a pre-condition to any purchasing activity;

(b) The receipt of a submission in response to a request for expressions of interest or a request for information shall not create any contractual obligation on the part of the City. The City is not required to proceed with any further purchase process following a request for expressions of interest or a request for information.

Request for Pre-qualification

8.3 Following the written recommendation by the Purchasing Committee to the CAO, including any dissent, the CAO may issue a request for pre-qualification for the purpose of selecting qualified bidders to respond to a call for bids:

(a) When a request for pre-qualification is issued, a pre-qualification document shall be provided to potential bidders setting out the criteria for pre-qualification, which may include:

- i. experience of similar work;
- ii. references provided from other customers for similar work;
- iii. verification of qualifications, licenses and permits, if applicable;
and
- iv. financial capability.

(b) The selection of bidders following a request for pre-qualification shall not create any contractual obligation between the City and a pre-qualified bidder. The City is not required to proceed with any further purchasing process following a request for prequalification.

9. AUTHORIZATION OF PURCHASES

9.1 Purchases not exceeding \$150,000.00

9.1.1 See paragraph 7.1.2.

9.2 Purchases not less than \$150,000.00

9.2.1 Where the total cost of any deliverable exceeds \$50,000.00, but does not exceed one hundred and fifty thousand dollars (\$150,000.00), the CAO or their designate, following the written recommendation by the Purchasing Committee, including any dissent, may issue a request for quotations:

- (a) A minimum of three (3) written quotations shall be solicited, if available;
- (b) The CAO may authorize the purchase provided that the award is made to the bidder submitting a responsive bid, and not necessarily with the lowest total

cost. The award may be made notwithstanding that fewer than three (3) quotations are received.

9.3 Purchases exceeding \$150,000.00

9.3.1 Where the total cost of any deliverable exceeds one hundred and fifty thousand dollars (\$150,000.00), following the written recommendation by the Purchasing Committee to the CAO, including any dissent, the CAO may issue either a request for tenders or a request for proposal, in compliance with the following:

- (a) the scope of the deliverables shall be set out in the call for bids;
- (b) the form of the call for bids shall, to the extent possible, use standardized documentation;
- (c) the call for bids shall be circulated and advertised in as wide and extensive a manner as will ensure the most comprehensive and most competitive response to the call for bids;
- (d) in the case of a request for proposals, the evaluation criteria and weightings shall be established by the CAO (on recommendation by the Purchasing Committee, including any dissent) prior to the call for bids and the call for bids shall clearly specify how each of the applicable criteria will be applied in evaluating the bids and whether the dollar cost methodology will be applied;
- (e) bids shall be publicly opened on the specified date, at the specified time;
- (f) all bid amounts shall be recorded;
- (g) all bids shall be fairly and completely evaluated using an open, fair and transparent process;
- (h) the evaluation of each bid shall be recorded using a standardized form of evaluation record;
- (i) any informality or irregularity shall be referred to the Purchasing Committee, including any dissent, for recommendation to the CAO as to next steps

9.4 Request for Tenders

9.4.1 A request for tenders shall be issued by the CAO, on recommendation by the Purchasing Committee, including any dissent, where the following criteria apply:

- (a) two or more sources are available to supply the deliverables;
- (b) the deliverables can be clearly specified;

(c) the market conditions are such that bids can be submitted on a competitive pricing basis; and

(d) it is intended that the lowest cost responsive bid may be accepted without negotiation.

9.4.2 Following the written recommendation by the Purchasing Committee to the CAO, including any dissent, the CAO may award the contract provided that: (i) the total cost of the contract does not exceed Five hundred thousand dollars (\$500,000.00) ; and (ii) the award is made to the bidder submitting the highest scoring bid at the lowest total cost, or, if applicable, the lowest dollar cost per technical point, however the lowest cost responsive bid may not be awarded.

9.4.3 A report shall be submitted quarterly to Council to advise of the award of any contract pursuant to section 6.4 of this By-law.

9.5 Request for Proposals

9.5.1 A request for proposals shall be issued by the CAO, on recommendation from the Purchasing Committee, including any dissent, where the deliverables are not clearly specified and it is anticipated that bidders may propose a variety of alternatives to fulfill City requirements.

9.5.2 The request for proposals shall be conducted using a two (2) envelope system: one (1) envelope for the technical proposal and one (1) envelope for the financial proposal:

(a) The CAO, following recommendation from Purchasing Committee, including the dissent, may award the contract provided that: (i) the total cost of the contract does not exceed Five hundred thousand dollars (\$500,000.00); and (ii) the award is made to the bidder submitting the highest scoring bid at the lowest total cost, or, if applicable, the lowest dollar cost per technical point; however the lowest cost responsive bid may not be awarded.

(b) If the total cost of the contract exceeds Five hundred thousand dollars (\$500,000.00) or if it is recommended that the award of the contract is not to be made to the bidder submitting the highest scoring bid at the lowest total cost, or, if applicable, the lowest cost per technical point, the award of the contract shall be subject to the approval of Council.

9.5.3 A report shall be submitted quarterly to Council to advise of the award of any contract pursuant to section 6.5 of this By-law.

10 SPECIAL CIRCUMSTANCES

10.1 In the case of a special circumstance, the purchase of deliverables may be authorized by the CAO, after recommendation, where practicable, from the Purchasing Committee, including any dissent, without issuing a call for bids where the cost for the purchasing

activity is \$500,000.00 or less and where one or more of the following circumstances are present:

- (a) where a special circumstance may occur, has occurred or is ongoing;
- (b) where market conditions are such that required goods or services can only be delivered by a particular Supplier and no reasonable alternative is available;
- (c) where information disclosure through bids could compromise required confidentiality, cause economic disruption or be contrary to the public interest;
- (d) where purchasing activity is not funded solely from the City.

10.2 Any waiver of the bidding process, where the cost of the purchasing activity exceeds \$150,000.00, shall be reported to Council by the CAO or delegate.

10.3 Where a Special Circumstance exists, has existed or is existing, a Director is required to forthwith inform the CAO or delegate in writing of such Special Circumstance and the necessary purchasing activity-related action.

10.4 The City shall endeavor to obtain the best value for any deliverables purchased during the special circumstance, using as fair and transparent a process as is feasible having regard to the particular circumstances.

10.5 As soon as practicable upon the conclusion of the special circumstance, the CAO shall submit a report to Council describing any expenditures made under this authority.

10.6 The CAO may authorize the purchase where the total cost does not exceed Five hundred thousand dollars (\$500,000.00).

11. CONTINGENCIES and SCOPE CHANGE / ADDITIONAL DELIVERABLES

11.1 Where any purchase of deliverables has been authorized under this By-law, Council may, upon being satisfied that a contingency has arisen, authorize expenditures that exceed the original approved contract amount, provided that any additional expenditure shall not exceed twenty five percent (25%) of the total cost of the contract at the time of award and further provided that the additional expenditures are required to complete the deliverables set out in the original contract.

11.2 Following the written recommendation by the Purchasing Committee to the CAO, including any dissent, the CAO may authorize the purchase of additional deliverables under a contract, provided that the CAO is satisfied that a scope change necessitates the purchase of additional deliverables and:

(a) the total Cost of the additional deliverables does not exceed ten percent (25%) of the total cost of the contract; or

(b) the total Cost of the additional deliverables is to be paid in full by a third party and security to ensure payment has been provided to the City, failing which the purchase of the additional deliverables shall be subject to Council approval.

11.3 If a scope change requires the extension or renewal of a contract, any extension or renewal of a contract that would result in a total contract term in excess of five (5) years shall be subject to Council approval.

11.4 The CAO, after recommendation from the Purchasing Committee, including any dissent, may authorize the purchase of additional deliverables provided that the authorization to purchase the additional deliverables is required to prevent interruption in service delay or to avoid incurring extra costs.

11.5 A report shall be submitted quarterly to Council to advise of any expenditures made under this authority.

12. CO-OPERATIVE PURCHASING

12.1 The City may participate with other government agencies or public authorities in co-operative purchasing where the CAO determines, after recommendation from the Purchasing Committee, including any dissent that it is in the best interests of the City to do so.

12.2 Any contract proposed to be entered into as a result of co-operative purchasing may be authorized in accordance with the authority limits set out in this By-law.

13. PURCHASING COMMITTEE

13.1 The CAO shall establish a Purchasing Committee composed of, at a minimum, the following:

(a) a representative of the City Department requesting the procurement of the deliverables;

(b) a Director or delegate from another Department;

(c) the Director or delegate of Finance; and

(d) a representative from the Purchasing Department;

13.2 If a bid contains an informality or irregularity, or if there is a challenge to the call for bids process, the issue shall be referred to the Purchasing Committee, for written recommendation to the CAO, including any dissent, who will determine whether the bid complies with the

submission requirements set out in the call for bids or to determine the validity of the challenge.

13.3 If the Purchasing Committee does not agree unanimously that the bid shall be accepted or rejected in its recommendation to the CAO, it shall submit a report to the CAO setting out the nature of the informality, irregularity or challenge and the proposed action to be taken.

14 REQUIREMENT FOR COUNCIL APPROVAL

14.1 A report shall be submitted to Council prior to authorizing an award in each of the following circumstances:

(a) where the term of a proposed contract is for a period greater than five (5) years, or where the renewal or extension of a contract would result in an aggregate term of greater than five (5) years;

(b) where a request for proposals has been issued under this By-law and the total cost of the contract exceeds two million dollars (\$2,000,000.00);

(c) where the purchase is prescribed by statute to be made by Council;

(d) where the purchase of any deliverables is not authorized by this By-law;
and

(e) where otherwise specifically provided in this By-law.

15 BY-LAW REVIEW

This By-law shall be reviewed and evaluated for effectiveness as and when needed from time to time, and prior to the end of each Council term within that calendar year of expiration of term.

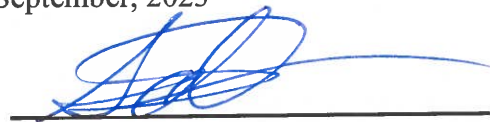
16. EFFECTIVE DATE

The By-law shall come into effect on the Third and final Reading.

17. REPEAL

This By-law hereby repeals By-law No. 820 known as the Purchasing By-law.

THIS BY-LAW READ a First Time this 12th day of September, 2023



Solomon Awa
Mayor



Steve England
Chief Administrative Officer

THIS BY-LAW READ a Second Time this 26th day of September, 2023



Solomon Awa
Mayor



Steve England
Chief Administrative Officer

READ a Third and Final Time this 10th day of October, 2023



Solomon Awa
Mayor



Steve England
Chief Administrative Officer

