

**BY-LAW NUMBER 87-22**

- of -

**THE CORPORATION OF THE COUNTY OF BRANT**

To approve a purchasing policy

**WHEREAS** Subsection 270 (1) of the *Municipal Act, 2001, S.O. 2001, c. 25* provides that a municipality shall adopt a policy for the procurement of goods and services;

**AND WHEREAS** the fundamental objective of the procurement function is to provide operating departments with the goods and services they need in the right quantity, on a timely basis, as efficiently as possible, and at the lowest cost consistent with the required quality and to provide for an open and honest process in order to maintain the integrity of the process;

**AND WHEREAS** Section 23.1 of the *Municipal Act, 2001, S.O. 2001, c. 25* authorizes a municipality to delegate its powers and duties subject to the restrictions as set out in the Act;

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE COUNTY OF**

**1.0 Definitions**

In this By-law:

- 1.1 "Authority" means the right to conduct the tasks outlined in this By-law.
- 1.2 "Bid" means an offer or submission received from a vendor in response to a request which offer or submission may be accepted or rejected, and bidding is the process of submitting a bid and bidder is the vendor that submits the bid.
- 1.3 "Bid Deposit" shall mean a financial guarantee to ensure the successful bidder will enter into an agreement.
- 1.4 "Bidding System" shall mean the County of Brant's online web-based solution for issuing bid solicitations and/or receiving online Bids and posting results of bid solicitations.
- 1.5 "CAO" shall mean the office appointed by Council to exercise general control and management of the affairs of the municipality.
- 1.6 "CETA" shall mean the Comprehensive and Economic Trade Agreement (Chapter 19: Government Procurement) effective September 21, 2017 and as may be updated from time to time.
- 1.7 "CFTA" means the Canadian Free Trade Agreement set out for Government Procurement, (Chapter 5) effective July 1, 2017 and as may be updated from time to time.
- 1.8 "Competent" means a bid from a vendor whose reputation, past performance and business and financial capabilities are such that the vendor would be judged as capable of satisfying the County's needs for a specific purchase.

- 1.9 “Competitive” means vendors are given an equal opportunity to compete for County business.
- 1.10 “Compliant” means a bid that does not vary from the mandatory requirements, specifications and terms and conditions set out in the request.
- 1.11 “Consultant” means a vendor, who by virtue of a particular expertise, is hired by the County to undertake a specific task or assignment that may include designing specifications and preparing plans or programs, architectural services, engineering or consulting services.
- 1.12 “Construction Act” means the Construction Lien Act, R.S.O. 1990, c. C.30 set out by the Government of Ontario effective April 1, 2018 and as may be updated from time to time.
- 1.13 “Contract” means a legally binding agreement between two or more parties, usually written, for the exchange of goods and/or services for money or other consideration.
- 1.14 “Contract Extension” means an amendment to a contract which can include either an increase in funds, increase in the scope of work and or an extension in time and must meet specified criteria.
- 1.15 “Co-operative Procurement” shall mean the process by which one public body or buying group on behalf of one or more public bodies undertake a procurement process in order to obtain the benefits of volume purchases and administrative efficiency.
- 1.16 “Council” means the Municipal Council of the Corporation of the County of Brant.
- 1.17 “County” means The Corporation of the County of Brant.
- 1.18 “Department” means an operating department as set out in the County organizational structure.
- 1.19 “Designate” means a person authorized by the General Manager to act on his/her behalf, and authorized to procure goods and services up to a defined purchase amount and in accordance with this By-law.
- 1.20 “Direct (Emergency) Purchase” means a procurement process where the usual competitive procurement process is suspended due to the prevailing emergency circumstances as defined in this By-law.
- 1.21 “Direct Negotiation” means a procurement process where the usual competitive procurement process is suspended and negotiations are entered into with one or more than one vendor.
- 1.22 “Direct Purchase” means a procurement process where a purchase is made from a selected vendor.
- 1.23 “Dispose” means the sale, exchange, transfer, destruction or gift of goods owned by the County which are deemed surplus to its needs, and “disposal” and “disposed” shall have similar meanings.
- 1.24 “Emergency” means a situation where the immediate purchase of goods and/or services or repair or replacement of equipment, or facilities is essential in order to maintain a required service or to prevent danger to residents or property within the County.

- 1.25 “Expression of Interest” means a situation where vendors approach the County or are solicited by the County and advise the County of their ability or desire to undertake County requirements.
- 1.26 “Formal Request for Quotation” means a competitive procurement process where vendors are requested to submit an offer in writing to provide some specified services, or to supply certain specified goods, for a specified price, in response to a publicly advertised request.
- 1.27 “General Manager” means the individual accountable for the operations of a department or their designate(s).
- 1.28 “General Manager of Corporate Services” means the General Manager of the Corporate Services Department or their designate(s).
- 1.29 “Goods” means all materials, equipment, fixtures, and structures to be delivered, installed or constructed.
- 1.30 “Informal Quotation” means a procurement process where requests for prices on specific goods and/or services are solicited from selected vendors and bids are submitted verbally, or in writing as specified in the request.
- 1.31 “Irregular Result” means any competitive procurement process where bids are submitted and any of the following has occurred:
- 1.32.1 No *bids* received; or
  - 1.32.2 Two or more identical competent and compliant low bids have been received; or
  - 1.32.3 The lowest competent and compliant bid exceeds the estimated cost or budget allocation; or
  - 1.32.4 All bids received are either not competent or not compliant; or
  - 1.32.5 For any reason the award of the contract to or the purchase from the lowest competent and compliant vendor is considered inappropriate; or
  - 1.32.6 The By-law and procedures have not been followed; or
  - 1.32.7 Less than three (3) valid bids are received.
- 1.32 “Officer” means any elected official of the County of Brant.
- 1.33 “Procedures” means internal instructions or guidelines to departments as approved by the General Manager of Corporate Services.
- 1.34 “Procurement Process” means the process by which the required goods and/or services are obtained.
- 1.35 “Project Team” means the individuals assigned by the vendor to manage the project.
- 1.36 “Purchase” means the act of acquiring goods and/or services of any legal or equitable interest, right or title in goods and/or services or the making of any contract or offer for goods and services and includes the lease of goods and/or services; and “purchased”, “purchasing”, “procurement”, and “procure”, shall have similar meanings.

- 1.37 "Relative" means a spouse (including common law spouse), parent, child, brother, sister, brother-in-law, sister-in-law, grandparent, grandchild, nephew, niece, uncle or aunt of an employee or officer of the County.
- 1.38 "Request" means either an "Informal Quotation", a "Formal Request for Quotation", a "Request for Proposal", or a "Request for Tender" as the context indicates.
- 1.39 "Request for Prequalification: (RTP) means a process where information is requested from vendors to determine whether or not the vendor has the capability in all respects to perform the contract requirements. The Request for Prequalification process is initiated before an RFP or RFT is issued and only prequalified vendors are eligible to submit a Bid on such procurements.
- 1.40 "Request for Proposal" means a process where a need is identified, but how it will be achieved is unknown at the outset. This process allows vendors to propose solutions or methods to arrive at the end product at a specified price and allows for evaluation on criteria other than price.
- 1.41 "Request for Tender" means a request for vendors to submit an offer in writing to execute some specified services, or to supply certain specified goods, at a certain price, in response to a publicly advertised request.
- 1.42 "Senior Management Team" means the Chief Administrative Officer and the General Managers or others as appointed by the CAO.
- 1.43 "Services" means any professional, consulting, construction, or maintenance services, including the delivery, installation, repair, restoration, demolition or removal of personal property and real property.
- 1.44 "Single Source" means there is more than one source in the open market but only for reasons of function or service one vendor is recommended for consideration of the particular goods and/or services.
- 1.45 "Sole Source" means there is only one source of supply of the particular goods and/or services.
- 1.46 "Vendor" means an individual, firm, supplier, vendor, contractor, architect, consultant, or bidder.

## **2.0 Purchasing Objectives**

It is the objective of this By-law to promote procurement processes and decisions which are consistent with the strategic objectives of the County, and which give consideration to the preservation of the natural environment; waste reduction and recycling; co-operative purchasing where beneficial; and the support of local and Canadian business and industry when possible, provided that the objectives of this By-law and the requirements of any applicable international or inter-provincial trade agreements are not compromised.

The principles which the *County* advocates include:

- 2.1 To promote the most cost effective and efficient use of *County* funds by attaining optimum quality, quantity, price, delivery and performance;
- 2.2 To exercise professional purchasing practices which obtain the most competitive bids from the most competent and compliant vendors;
- 2.3 To delegate the appropriate level of authority to enable the *County* to meet service requirements;
- 2.4 To ensure that employees who are responsible for the purchasing of goods and/or services are accountable for their actions and decisions;
- 2.5 To have regard for accessibility and persons with disabilities;
- 2.6 To maintain an open, honest and transparent process that is fair and impartial.

### **3.0 Authority of the General Manager of Corporate Services**

The *General Manager of Corporate Services* in consultation with the *General Managers*:

- 3.1 Shall authorize the issuance of *requests*, and related *bid* documents and *contracts* in accordance with this by-law;
- 3.2 Is responsible for the administration of this by-law, including the development of any procedural requirements or standardized forms;
- 3.3 Is responsible for assigning the appropriate level of delegated authority;
- 3.4 May remove a vendor from consideration for *County* purchases on the basis of poor performance evaluation.

### **4.0 Performance Evaluation**

- 4.1 A performance evaluation shall be completed at the substantial completion of a *contract* or more frequently if determined to be more appropriate in all *purchases* where:
  - 4.1.1 The cost of the *goods* or *services* received exceeds \$250,000; or
  - 4.1.2 In any other instance when the *General Manager* determines that a performance evaluation would be appropriate.
- 4.2 The performance evaluation form and criteria adopted from time to time, shall be provided to the *vendor* upon acceptance of the *bid* by the *County* and shall be used to evaluate the *vendor* and the *project team* if applicable. The same evaluation criteria shall apply to all performance evaluations undertaken by the *County* but may be amended from time to time by the *Senior Management Team* for the *County*.
- 4.3 The vendor shall be provided with the written results of the performance evaluation.

- 4.4 As per Section 3.4, the performance evaluation shall determine whether the vendor and/or project team will be allowed:
- 4.4.1 To *bid* on future *requests* issued by the *County*, or
  - 4.4.2 Be placed on a probationary list for three (3) years during which time they may bid on future requests issued by the County, or
  - 4.4.3 Be prohibited from bidding on any future requests issued by the County for a period of three (3) years after which an application for reinstatement can be made.
- 4.5 In arriving at its decision the County shall be entitled to rely upon the performance evaluation criteria provided in advance of the purchase, and the results of prior performance evaluations relating to other purchases from the same vendor and/or project team.
- 4.6 No bid shall be accepted from any vendor and/or project team during the term of a prohibition.

## 5.0 Application of By-law

- 5.1 All *goods* and/or *services* required for the purposes of the *County*, save and except only those *goods* and/or *services*, listed in Schedule B to this by-law, shall be *purchased* and *disposed* of in accordance with the provisions of this by-law unless:
- 5.1.1 *County Council* by resolution directs that any particular *purchase* or *disposal* of *goods* and/or *services* shall be carried out in some other manner; or
  - 5.1.2 Any applicable law of the Province of Ontario or the Dominion of Canada requires that the *purchase* or *disposal* of *goods* and/or equipment be carried out in some other manner;
- 5.2 Where the circumstances mentioned in Section 5.1.1 or 5.1.2 occur, the purchase or disposal of those goods and/or services shall be carried out in accordance with the resolution or the applicable law, as the case may be and the provisions of this by-law shall in all other regards continue to apply to such purchase or disposal with all necessary modifications.
- 5.3 The General Manager of Corporate Services, in consultation with the General Managers, is hereby authorized to prescribe procedures consistent with this by-law and the objectives set out in Section 2.0 regarding:
- 5.3.1 The form, content and use of forms, whether electronic or printed, purchase orders, bonds, letters of credit and other forms of guarantees or surety, request for quotations, tenders or proposals and other contract documents;
  - 5.3.2 The procurement process or disposal method which will more effectively achieve the objectives of the by-law, where alternative methods are permitted and the process to be followed in the issuing, receipt and evaluation of bids; and
  - 5.3.3 Any other aspects of the process or procedure not specifically provided for under this by-law.

## 6.0 General Authority

- 6.1 The *purchase of goods and/or services* shall not be *authorized* unless:
- 6.1.1 The required *goods and/or services* have been acquired in accordance with this By-law and any prescribed procedure;
  - 6.1.2 A procurement process permitted under this by-law has been used as detailed in Schedule "A" to this by-law;
  - 6.1.3 Any change to the form and content of any prescribed documents forming any part of the purchase contract including but not limited to request for quotation, tender or proposal documents, form of agreement, special provisions, terms and conditions, insurance, surety bonds, have been reviewed by General Manager of Corporate Services; and
  - 6.1.4 The purchase has been approved by the appropriate level of authority as detailed in Schedule "A" to this by-law.
- 6.2 If a *bid* has been approved by *Council* and awarded to the successful *bidder* and the successful *bidder* fails to enter into a *contract*, the *General Manager of the operating Department* shall be granted the *authority* to award the *contract* to the *vendor* who has submitted the *bid* which was ranked second, based upon the applicable evaluation criteria, without going back to *Council* for approval, provided the *bid* is within budget. The *General Manager of the operating department* shall prepare a report to *Council* for information purposes.

## 7.0 Procurement

Unless otherwise provided in this by-law, all *goods and/or services* having a price within each of the dollar ranges set out in Column 1 of Schedule "A", to this by-law, shall be *purchased* using a *procurement process* listed in Column 2 and shall be authorized by the *officer, employee, or County Council* as listed in Column 3. Where an *irregular result* occurs, the purchase shall only be authorized by the Approval Authority listed in Column 3.

### 7.1. Request for Pre-Qualification (RTP)

A *Request for Pre-qualification (RTP)* process may be applied in conjunction with any other procurement model in order to ensure that all bidders meet a minimum set of qualifications and may be initiated by the *General Manager* of the operating department to short-list vendors, allowing those short-listed to participate in a subsequent method of procurement.

Vendors may be pre-qualified by issuing a Request for Pre-Qualification document. Selection of pre-qualified vendors will be based on fully disclosed evaluation criteria.

As a result of pre-qualification the County will only allow those who are pre-qualified to participate in the bidding process for scope of work and/or services as specified in the procurement document, while maintaining the competitive bidding process. Pre-Qualification may be done on a project specific basis.

### 7.2 Direct Purchase

The *Direct Purchase* is a *procurement process* carried out by the *General Manager* of the operating *department*.

**7.3 Informal Quotation**

The *Informal Quotation* process is a *procurement process* where the *General Manager* of the operating *department* is required to solicit at least three (3) written or verbal quotes and to evaluate all *competent* and *compliant bids* based on price. Verbal quotes must be recorded.

**7.4 Formal Request for Quotation**

The *Formal Request for Quotation* process is a *competitive procurement process*, commenced by the issuance of a *Formal Request for Quotation*, by the *General Manager* of the operating *department*. The *Request for Quotations* shall be issued in writing and either distributed to no fewer than three (3) applicable suppliers or posted on the *County* website. Other advertising venues may be utilized at the discretion of the *General Manager* of the operating *department*.

The *Formal Request for Quotation* process requires that written *bids* be received on or before the specified closing date and time, and that all *competent* and *compliant bids* be evaluated based on the evaluation criteria contained in the *Formal Request for Quotations* document.

**7.5 Tender**

The *Tender* process is a *competitive procurement process*, commenced by the issuance of a *Request for Tender*, by the *General Manager* of the operating *department*. The *Request for Tender* shall be advertised in accordance with the *County* advertising policy and shall be posted on the *County* website at least fifteen (15) days prior to the specified closing date and time. Other advertising venues may be utilized at the discretion of the *General Manager* of the operating *department*. The *Tender* process shall follow the CFTA Agreement, the CETA Agreement and the Construction Act where applicable.

A *Request for Tender* requires that all *bids* be sealed and received on or before the specified closing date and time, and all *bids* be posted to the bidding platform with the unofficial results. All *competent* and *compliant bids* will be evaluated by the operating *department* in accordance with the evaluation criteria listed below, as set out in the *request for tender* documents.

**Evaluation Criteria**

7.5.1 If *vendors* have been pre-qualified the *bid* will be evaluated in accordance with the following evaluation criteria:

Price	100%
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7.5.2 If *vendors* have not been pre-qualified the *bid* will be evaluated in accordance with either the evaluation criteria as stated in the tender document, or failing that in accordance with the following:

Price	70%
Other Criteria as listed in <i>Request for Tender</i>	30%

**Approvals**

7.5.3 Where the total of any procurement process exceeds \$250,000.00, then Council approval is required by resolution.

7.5.4 As tenders are awarded, they will be posted on the Bidding System with the successful Bidders name and amount of the approved bid.

#### 7.6 Request for Proposal

The *Request for Proposal* process is a *competitive procurement process* that involves the solicitation of *bids* when the requirements for *goods* and/or *services* cannot be definitively specified. It may or may not include pre-qualification or an *expression of interest*. This process has the most flexibility and will generally be governed by the terms of the *Request for Proposal* as developed by the *County*.

The *Request for Proposal* shall be advertised in accordance with the *County* advertising policy and shall be posted on the *County* website at least fifteen (15) days prior to the specified closing date and time.

A *Request for Proposal* requires that all *bids* be sealed and received on or before the specified closing date and time..

All *competent and compliant bids* will be evaluated based on the evaluation criteria contained in the *Request for Proposal* document.

#### 7.7 Direct (Emergency) Purchase

The *Direct (Emergency) Purchase Process* is a *procurement process* that may be used when the *purchase* of any *goods* and/or *services* is deemed an *emergency*, and when the *General Manager* of the operating *department* authorizes the *procurement process* outlined in this by-law be suspended. This process is undertaken at the sole discretion of the *General Manager* of the operating *department* who will provide written justification to the *General Manager of Corporate Services*, indicating why the prescribed *procurement process* was not followed. The *General Manager of Corporate Services* shall prepare an information report to the *appropriate Standing Committee* detailing any *Direct (Emergency) Purchase in excess of \$100,000*.

#### 7.8 Direct Negotiated Purchase

The *Direct Negotiated Process* is a *procurement process*, which permits the *General Manager* of the operating *department*, in consultation with the *General Manager of Corporate Services* to enter into negotiations with one or more *vendors* for the supply of *goods* and/or *services* when any of the following conditions apply:

- 7.8.1 No bids are received on a Formal Request for Quotation, Request for Tender or Request for Proposal call; or
- 7.8.2 The extension or reinstatement of an existing contract would prove more cost effective or beneficial; or
- 7.8.3 Bids have been solicited using one of the procurement processes with all bids received being not compliant or not competent; or
- 7.8.4 Goods and /or services are available from a single source or sole source; or
- 7.8.5 Goods are required for resale and the determining criteria is marketability and profitability as determined by the operating department when costs are recovered through sales; or
- 7.8.6 An unsolicited proposal is received by the County and it is determined that it is in the best interests of the County to single source.

#### 7.9 Cooperative Purchasing

Cooperative purchasing is a *procurement process* where the *County* participates with other governments, agencies or public authorities in co-operative ventures or *contracts* where the best interest of the *County* would be served, provided the objectives of this by-law are met.

#### 7.10 Contract Extensions

Contract Extension is a procurement process where a specified renewal price is stated in a bid. The General Manager of the applicable department is authorized to execute any contract extensions with the successful bidder in accordance with a specified renewal price as stated in the bid.

#### 7.11 Bid Deposits

Bid deposits shall be required to accompany bid submissions for the following circumstances:

7.11.1 All bids for municipal construction projects in excess of \$100,000; or

7.11.2 Special contracts or scope of work as deemed appropriate by a General Manager.

For estimated expenditures in excess of \$1,000,000, bid deposits shall be set at 5% of the estimated value of the work prior to bidding.

A bid deposit shall be provided in one of the following formats:

7.11.3 A certified cheque made payable to the County of Brant; or

7.11.4 Money order/bank draft made payable to the County of Brant; or

7.11.5 Canadian currency; or

7.11.6 Bid bond for projects greater than \$100,000. May be digital or signed and sealed originals; or

7.11.7 Irrevocable Letter of Credit – wording to the satisfaction of the County.

A procurement process may provide that a bid deposit can be supplied through a bid bond or letter of credit, if deemed by the General Manager to be advantageous to do.

#### 7.12 Bonding Requirements

7.12.1 Performance Bonds and Labour and Material Bonds are required for all construction projects exceeding \$100,000, for a minimum of 50% of the estimated amount for each bond.

7.12.2 The General Manager may accept alternative security in the form of a certified cheque or irrevocable letter of credit if stated as a requirement in the contract document.

7.12.3 All bonds must be originals (electronic bonds from an approved surety company will be accepted), signed and sealed. No faxes or photocopies will be accepted.

#### 7.13 Formal Agreements

In accordance with the Delegation of Authority By-law, the *General Manager* of the operating *department* is authorized to execute any *contracts* or related documents that are required.

#### 7.14 Tie Bids Received

In the case of tied *bids*, the successful *bidder* will be selected by public coin toss, upon the giving of reasonable notice to the tied *bidders* of the date and time of the coin toss and in the presence of the *General Manager of Corporate Services*.

#### 7.15 Design and Development Service

A *vendor* that has provided design services or specifications for a *request* shall not be permitted to *bid* on the *request* unless authorized by *Council*.

#### 7.16 Restricted Contact Period Throughout the Bidding Period

Every inquiry during the *Formal Request for Quotation, Request for Proposal and Request for Tender process* shall be submitted in writing as per the document during the *procurement process*, which commences at the issuance of the *request* and is concluded upon acceptance of the *bid*. The *County* shall provide a response to the inquiries in writing and the response shall be provided to all *vendors* that have requested a *bid* document.

#### 7.17 Accessibility Standards

The County of Brant shall incorporate accessibility design, criteria and features when procuring or acquiring goods, services or facilities, except when it is not practicable to do so. If the County determines that it is not practicable to incorporate accessibility design, criteria and features when procuring or acquiring goods, services or facilities, it shall provide, upon request, an explanation.

### 8.0 **Disposal of Surplus Goods and Equipment**

The *General Manager of Corporate Services* is authorized to *dispose* of surplus, obsolete or non-repairable *goods* and equipment declared surplus by authorizing its distribution for use by other *County departments* or if no longer useful for *County* purposes, by arranging for their *disposal* at the highest return using one of the following methods:

- 8.1 Scrap, dismantle or destroy, classify as waste and dispose; or
- 8.2 Donate or sell for a nominal fee to a non-profit or charitable organization; or
- 8.3 Trade-in; or
- 8.4 Sell by request for quotation, proposal, or tender; or
- 8.5 Public auction.

### 9.0 **By-law Administration and Compliance**

- 9.1 The *General Manager of Corporate Services* shall prepare and maintain the appropriate purchasing administrative *procedures* to implement this by-law.
- 9.2 All employees of the County shall act in a manner consistent with the objectives of the by-law.
- 9.3 No purchase of goods and/or services or disposal of surplus goods, or equipment shall be made where the quantity or delivery is divided or in any other manner arranged so that the price of the goods and services to be acquired or disposed of is artificially reduced to circumvent the prescribed procurement process.
- 9.4 Prior to approval of the current budget, a department may incur normal operating expenditures.
- 9.5 Approval of a capital budget for a project by Council shall constitute authorization for any purchase to perform the authorized capital project, within the approved project cost provided any purchase is conducted in accordance with this by-law. Where the purchase cost exceeds the approved budget by 10% or more, the General Manager must obtain Council approval for the purchase.

- 9.6 No officer or employee or any relative of that officer or employee shall be permitted to purchase any surplus goods to be disposed of except by successfully bidding on the same at a public auction or by sealed bid but in no case if the duties of that officer or employee include making decisions regarding the disposal of such goods or activities relating to the conduct of the disposal process.
- 9.7 Officers and employees shall not knowingly cause or permit anything to be done or communicated to anyone which is likely to cause any potential vendor to have an unfair advantage or disadvantage in obtaining a contract for the supply of goods and/or services to the County, or any other municipality, local board or public body involved in the purchase of goods and services either jointly or in cooperation with the County.
- 9.8 No officer or employee shall knowingly cause or permit anything to be done which will jeopardize the legal validity or fairness of any purchase of goods and/or services under this by-law which is likely to subject the County to any claim, demand, action or proceeding as a result of such act or omission.
- 9.9 No officer or employee shall open any bid or purchase any goods and/or services from an elected official, officer or employee of the County without the prior approval of Council.

**10.0 Legal Claims**

A *bid* will not be accepted from any *vendor* who is involved in a legal proceeding with the *County* with respect to any previous *procurement process, purchase or contract for goods and services*, without the prior approval of *Council*.

**11.0 Repeal of Former Purchasing By-law**

By-law Number 45-13 and any resolutions with respect to purchasing approved prior to the enactment of this by-law are hereby repealed.

**12.0 Short Title**

This by-law shall be known as “The Purchasing By-law”.

Read a first and second time, this 26<sup>th</sup> day of July, 2022.

Read a third time and finally passed in Council, this 26<sup>th</sup> day of July, 2022.

**The Corporation of the County of Brant**

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David Bailey, Mayor

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Alysha Dyjach, Clerk

**Schedule "A" – By-law Number 87-22**

<b>Column 1 – Dollar Ranges</b>	<b>Column 2- Procurement Process(es)</b>	<b>Column 3 – Approval Authority</b>
Any dollar value	<i>Direct (Emergency) Purchase</i>	<i>General Manager of Operating Department</i>
0-10,000	<i>Direct Purchase Request for Proposals Direct Negotiation Contract Extensions Irregular Result Cooperative Purchasing</i>	<i>General Manager of Operating Department</i>
10,000.01-50,000.00	<i>Informal Quotation Request for Proposals Direct Negotiation Contract Extensions Irregular Result Cooperative Purchasing</i>	<i>General Manager of Operating Department</i>
50,000.01-250,000	<i>Formal Request for Quotations (up to \$100,000) Request for Proposals Request for Tender Direct Negotiation Contract Extensions Irregular Result Cooperative Purchasing</i>	<i>General Manager of Operating Department and General Manager of Corporate Services  If Operating Department is Corporate Services- General Manager of Corporate Services and Treasurer</i>
250,000.01 or more	<i>Request for Tender Request for Proposals Direct Negotiation Contract Extensions Irregular Result Cooperative Purchasing</i>	<i>Council</i>

## **Schedule "B" – By-law Number 87-22**

The following items are not subject to the *County's* Purchasing By-law:

### 1.0 Travel and Education

### 2.0 Refundable Employee Expenses

- a. Meal Allowances
- b. Professional / Licensing / Association Fees
- c. Public Relations
- d. Hotel Accommodation
- e. Mileage

### 3.0 General Expenses

- a. Licenses (vehicles, elevators, radios, etc.)
- b. Charges to or from other government bodies or Crown Corporations except for construction and/or maintenance projects
- c. Real Estate including land, buildings, leasehold interests, easements, encroachments and licenses
- d. Periodicals, magazines or subscriptions
- e. Consulting Services (up to \$100,000) where a previously retained firm has provided similar services or has an intimate knowledge of the project and it would be beneficial to have that same firm provide new or extended services
- f. Other Professional and Special Services:
  - i. Accounting and Auditing Services
  - ii. Legal Services
  - iii. Banking Services
  - iv. Public Debenture Sales
  - v. Group Benefits
  - vi. Realty Services Regarding the Lease, Acquisition, Demolition, Sale of Land, and Appraisal of Land
  - vii. Peer-review consultants where the consultant is paid by a third party and not by the County
- g. Witness Fees
- h. Charges to or from government legislated controlled agencies (i.e. – Technical Standards & Safety Association, Electrical Safety Authority, Liquor Control Board
- i. Original works of art
- j. Entertainers (i.e. – for Theatre, Special Events)

### 4.0 Utilities