

THE CORPORATION OF THE
MUNICIPALITY OF CHARLTON AND DACK

BY-LAW #204

BEING A BY-LAW TO ADOPT A PROCUREMENT POLICY FOR THE MUNICIPALITY
OF CHARLTON AND DACK.

WHEREAS the municipality deems it necessary to enact a policy for the procurement of goods and services for the Municipality;

WHEREAS the Municipal Act, 2001, S.O. 2001, c.25, Section 270, as amended, states that a municipality shall adopt and maintain a policy with respect to its procurement of goods and services;


NOW THEREFORE the Council of the Municipality of Charlton and Dack enacts as follows:

1. **THAT** the Municipality execute a policy as set out in document entitled "Municipality of Charlton and Dack Procurement Policies and Procedures" and all schedules therein.
2. **THAT** all other by-laws, policies, resolutions, or parts thereof, contrary hereto or inconsistent herewith, be and the same are hereby repealed.
3. **THAT** this by-law shall come into force and effect on the date of passing thereof.

READ A FIRST AND SECOND TIME AND FINALLY PASSED THIS 14th day of April,
2014.



Reeve



Clerk-Treasurer

PART I – SHORT TITLE**Section 1**

This By-Law may be cited as the "Purchasing By-Law".

PART II – PRINCIPLES AND GOALS**Section 2**

The purchasing principles of the Corporation of the Municipality of Charlton and Dack are as follows:

1. To procure by purchase, rental or lease the required quality and quantity of goods and/or services, including professional and consulting services in an efficient, timely and cost effective manner.
2. To encourage open competitive bidding for the acquisition and disposal of goods and services where practical.
3. To maximize savings for taxpayers.
4. To consider all cost, including, but not limited to acquisitions, operating, training, maintenance, quality, warranty, payment terms, disposal value and disposal costs in evaluating bid submissions from qualified, responsive and responsible vendors.
5. To consider the total project cost of specific goods and services that will be required by each department and by the Municipality as a whole prior to determining the appropriate acquisition method.
6. To monitor and report on the economic climate and legislative changes which may have an impact on The Municipality of Charlton and Dack to determine the appropriate actions to be taken through purchasing policies and procedures.
7. To have regard to the accessibility for persons with disabilities for all goods, services and construction purchased by the Municipality.

PART III – DEFINITIONS AND SCHEDULES**Section 3**

The words and phrases listed below when used in this By-Law shall have the following meanings ascribed to them:

DEFINITIONS

1. Agreement
means a legal document that binds the Corporation of the Municipality of Charlton and Dack and all other parties, subject to the provisions of the contract.
2. Approval
means authorization to proceed with the purchase of disposal of goods and/or services
3. Bid
means an offer or submission received in response to a request for quotation, tender or proposal, which is subject to acceptance or rejection.

4. Bid Irregularity
means a deviation between the requirements (terms, conditions, specifications, special instructions) of a bid request and the information provided in a bid response (see Appendix)
5. Bid Request
means a written request for bids or a solicitation, which may be in the form of a request for quotation, request for tender or request for proposal.
6. Blanket Purchase Order
means a Contract between the Municipality of Charlton and Dack and a supplier for the supply of regularly ordered Goods or Services at specified unit prices with, where possible, maximum dollar limits, or discounts, but not specified quantities;
7. Clerk
means the Municipal Clerk for the Corporation of the Municipality of Charlton and Dack.
8. Contract
means any agreement, regardless of form or title, for the lease purchase or disposal of Goods, Services or Construction authorized in accordance with this By-Law;
9. Council
means the Council for the Corporation of the Municipality of Charlton and Dack
10. Council Approved Budgets
means Council approved department budgets including authorized revisions, or where applicable, Council approved budgets of local boards or utilities to which this By-Law applies;
11. Department Head
means the person responsible for direction and operational control of a department or authorized designate
12. Disposal
means the removal of materials owned by the Municipality by sale, trade-in, auction, alternative use, gift, or destruction which are deemed surplus.
13. Emergency
means a situation where the purchase of goods and services requires immediate action to prevent or correct dangerous or potentially dangerous safety conditions, further damage, to restore minimum service or ensure the safety of public.
14. Fair Market Value
means the price that would be agreed to in an open and unrestricted market between knowledgeable and willing parties dealing at arms-length where fully informed and not under any compulsion to transact;
15. Goods and/or Services
includes supplies, equipment, property insurance, maintenance, professional and consulting service contracts not otherwise provided for
16. Lowest Compliant Bid
means the Bid that would provide the Municipality of Charlton and Dack with the desired Goods, Services or Construction at the lowest Total Acquisition Cost, meets all the specifications and contains no irregularities requiring automatic rejection;

17. Municipality
means the Corporation of the Municipality of Charlton and Dack
18. Procure/Procurement/Purchase
means to acquire by purchase, rental or lease of goods and/or services
19. Professional and Consulting Services
includes architects, auditors, engineers, designers, planners, surveyors, management and financial consultants, brokers, legal services, and any other professional and consulting services rendered on behalf of the Municipality
20. Proposal (Request for Proposal/RFP)
means an offer to provide goods or services to the Municipality, where it is not practical to prepare precise specifications, where "alternatives" to detail specifications will be considered, which may be subject to further negotiation. This process allows vendors to propose solutions to arrive at the end product, and allows for evaluation on criteria other than price.
21. Quotation (Request for Quotation/RFQ)
means an offer to sell goods and services to the Municipality or an offer to purchase surplus goods from the Municipality
22. 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
23. Tender
means an offer received from a supplier of goods and/or services in response to a public announcement requesting tenders sealed in an envelope
24. Total Acquisition Costs
means an evaluation of quality and service in the assessment of a Bid and the sum of all costs including 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 Bid.

PART IV – GENERAL CONDITIONS

Section 4 -- APPLICATION

1. The Clerk Treasurer CAO shall act as the authorized designate who is responsible to Council for purchasing functions as per Council and this policy.
2. In the absence of the Clerk Treasurer CAO, the Deputy Clerk Treasurer may act as the authorized designate.
3. Where a Department Head is authorized to undertake any act pursuant to this policy, such act may be undertaken by the Department Head and/or Designate.
4. Any commitments being made where it is recommended that a contract be executed by the Reeve and Clerk Treasurer CAO must first be approved by Council.
5. The procurement of legal services shall be contracted for by the Clerk Treasurer CAO.

6. Material Safety Data Sheets must be maintained on file by the user department for all relevant products whether acquired through tendering, quoting or the proposal process.
7. When using the privilege clause which reads in part "the lowest or any tender may not necessarily be accepted", the specific reason must be stated why the bids may not be accepted.
8. Where practical, specification or Terms of Reference should be considered that are detailed but not brand specific to leave room for potential vendors to provide alternatives in the event an equal or better-proven product or method is available.
9. Council may prohibit an unsatisfactory supplier from participating in future contracts for a period of up to three years.
10. Elected Officials shall not approve nor acquire any goods and services, except in accordance with this policy.
11. In the case of equipment repairs for amounts not exceeding \$10,000.00, the Department Head shall be authorized to select vendors not solely on the basis of cost, but also on ability, quality or workmanship, service, availability, overall performance and experience and thereafter obtain quotations.

Section 5 -- RESTRICTIONS

1. The Council for the Municipality of Charlton and Dack has the ultimate authority for all expenditures. Council delegates this authority by the authorization of budgets or by specific resolution. Municipal staff cannot pay for any item that has not been authorized by Council through budget appropriation or specific resolution. Pending Council's approval of proposed budgetary estimates, Department Heads are authorized to spend up to 50% of the previous year's approved Operating Budget.
2. Department Heads are not authorized to overrun net department operating budgets, except in accordance with this policy.
3. No requirement for goods and services may be divided into two or more parts to avoid the provisions of this policy.
4. No Contract for Services shall be awarded where the services would result in the establishment of an employee-employer relationship.
5. No expenditure or commitment shall be incurred or made and no account shall be paid by the Municipality for goods and services, except as approved by Council or otherwise authorized in accordance with this policy.
6. Where an employee involved in the Award of any Contract, either on his or her own behalf or while acting for, by, with or through another person, has any pecuniary interest, direct or indirect, in the Contract, the employee,
 - a) shall immediately disclose the interest to the Department Head involved in the Award of the Contract and shall describe the general nature thereof;
 - b) shall not take part in the Award of the Contract; and
 - c) shall not attempt in any way to influence the Award of the Contract.
7. An employee has an indirect pecuniary interest in any Contract in which the Municipality of Charlton and Dack is concerned, if,
 - a) the employee or his or her spouse or same-sex partner

- i is a shareholder in, or a director or senior officer of, a corporation that does not offer its securities to the public that has a pecuniary interest in the Contract,
 - ii has a controlling interest in or is a director or senior officer of, a corporation that offers its securities to the public that has a pecuniary interest in the Contract, or
 - iii is a member of an incorporated association or partnership, that has a pecuniary interest in the matter; or
- b) the employee or his or her spouse or same-sex partner is in the employment of a person, unincorporated association or partnership that has a pecuniary interest in the Contract.
 - c) All Council members shall conduct themselves in accordance with the Municipal Conflict of Interest Act, R.S.O. 1990, c. M. 50, as amended.

Section 6 -- TOTAL ACQUISITION COST

Where this By-Law prescribes dollar limits, the Contract amount shall be the estimated Total Acquisition Cost less any rebates.

Section 7 -- PRESCRIBED COUNCIL APPROVAL

Despite any other provisions of this By-Law, the following Contracts are subject to Council approval:

- a) any Contract requiring approval from the Ontario Municipal Board;
- b) any Contract where the Total Acquisition Cost is greater than the Council Approved Budget;
- c) any Contract where an irregularity precludes the Award of a Contract to the supplier submitting the lowest bid;
- d) any Contract where a Good, Service or Construction is available from only one source of supply and the Total Acquisition Cost of such Good, Service or Construction exceeds \$5,000; or where a Bid Solicitation has been restricted to a single source of supply because standardization or compatibility is the overriding consideration;
- e) any Contract where the Request for Proposal or Tender method is being used.

Section 8 -- RESPONSIBILITIES AND AUTHORITIES

Department Heads shall be responsible for and shall have authority for all procurement activity and decisions within their Departments and may delegate their authority, where appropriate.

PART V – PROCUREMENT PROCEDURES**Section 9 – PURCHASING PROCEDURES**

- 1) The Clerk Treasurer CAO shall establish purchasing procedures consistent with the Purposes, Goals and Objectives set out in this By-Law relating to:
 - a) the form, content and use of forms, whether electronic or printed, including requisitions, purchase orders, bonds, letters of credit and other forms of guarantee or surety, tender, proposal and other contract documents;
 - b) the identification of those Goods, Services or Construction which, are more effectively acquired through cooperative purchasing;
 - c) the process to be followed in the issuing, receipt and evaluation of Tenders and Requests for Proposals including the option of submitting documentation, payment or signature by electronic means pursuant to the Electronic Commerce Act, S.O. 2000, c. 17, as amended;
 - d) any other aspect of process or procedure not specifically provided for in the By-Law.

Section 10 – BLANKET PURCHASE ORDERS

- 1) A Blanket Purchase Order may be used where:
 - a) one or more Departments repetitively order the same Goods, Services or Construction and the actual demand is not known in advance; or
 - b) a need is anticipated for a range of Goods, Services or Construction for a specific purpose and for which convenience and location are major factors but the actual demand is not known at the outset.

Section 11 – PURCHASING METHODS

The purchasing methods for the purchase of Goods, Services or Construction are listed in Schedule "B".

Section 12 – SOLE SOURCE PROCUREMENT

1. Purchase by negotiation may be adopted, if in the judgment of Council and in consultation with Department Head, any of the following conditions apply:
 - a) goods and services are in short supply due to market conditions
 - b) sources of supply are restricted because of one of following
 - (i) there are no substitute for components or replacement parts
 - (ii) compatibility with existing product or service is required
 - (iii) specific standards are adopted by council
 - c) it is cost effective to use contractor already secured at location through tender process for another *proposal*
 - d) when only one bid/proposal is received and it is impractical to recall the requirements of the call.

- e) Or for another reason as determined by council from time to time.

Section 13 – INSURANCE

1. The Standard insurance minimums are as follows:
 - o 2 million general liability and automobile liability policies – for contract work done for public works and environment service projects.
 - o 2 million profession errors and omissions liability
 - o Builders Risk – The amount of project cost

BID DOCUMENTS MUST CLEARLY INDICATE INSURANCE REQUIREMENTS TO BE PROVIDED BY SUCCESSFUL BIDDER.

The successful bidder must furnish the Municipality at his/her cost a “certified copy” of a liability insurance policy covering public liability and property damage for no less than the minimum amounts stated above to the satisfaction of the Municipality and in force for the entire contract period.

Section 14 -- REQUEST FOR PROPOSAL

- 1) A request for Proposal shall be used where one or more of the criteria for issuing a Request for Tender cannot be met such as:
 - a) owing to the nature of the requirement, suppliers are invited to propose a solution to a problem, requirement or objective and the selection of the supplier is based on the effectiveness of the proposed solution rather than on price alone; or
 - b) it is expected that negotiations with one or more bidders may be required with respect to any aspect of the requirement.
- 2) Council will award the contract for a request for proposal or a request for tender.

Section 15 – GUARANTEE OF CONTRACT EXECUTION AND PERFORMANCE

1. Bid deposits shall be required to accompany bid submissions for anything over \$60,000.00.
2. Bids from \$60,000.00 up to \$100,000.00, 5% of bid will be submitted as deposit
3. Any bid over \$100,000.00, 10% of bid will be submitted as deposit.
4. A Bid deposit shall be provided in one of following formats:
 - a) A bid bond issued by a bonding agency currently licensed to operate in the Province of Ontario naming the Corporation of the Municipality of Charlton and Dack as the obligee.
 - b) A Certified cheque made payable to the Corporation of the Municipality of Charlton and Dack.
 - c) An Irrevocable letter of credit naming the Municipality of Charlton and Dack as the beneficiary.

d) Money orders made payable to the Municipality of Charlton and Dack

5. The Municipality does not pay interest on any bid deposits.
6. All bid deposits must be original documentation, signed and sealed as appropriate. No fax or photocopies will be accepted.

Section 16 – EMERGENCY PURCHASES AND EXCEPTIONS

1. Adherence to this purchasing policy is not required with respect to single source supply.
2. Emergency items may be authorized by at least 3 of the following, Reeve, Clerk Treasurer CAO and 2 Councillors where possible.
3. A Head of Department may request exemption from any or all the purchasing methods outlined in this policy by submission of a report requesting the same to council. Such exemption may be granted by resolution.

Section 17 – COOPERATIVE PURCHASING

- 1) The Municipality of Charlton and Dack may participate with other government agencies or public authorities in cooperative purchasing where it is in the best interest of the Municipality of Charlton and Dack to do so and where the purposes, goals and objectives of this By-Law are complied with by such government agencies and public authorities.
- 2) The policies of the government agencies or public authorities calling the cooperative Bid Solicitation are to be the accepted policy for that particular purchase.

Section 18 – IDENTICAL TENDERS

- 1) If the Lowest Compliant Bids from two or more bidders are identical in Total Acquisition Cost or unit price, the Clerk Treasurer CAO is authorized to enter into negotiations with the bidders who have submitted the identical prices in an attempt to obtain a lesser price and shall maintain a record in respect of such negotiations.
- 2) The Clerk Treasurer CAO shall not reveal information pertaining to such negotiations or the manner in which the final price was determined to any of the bidders concerned. The Clerk Treasurer CAO shall include as part of the record, a report concerning the results of such negotiations.
- 3) When negotiations are not successful in breaking the identical tenders, then the successful bidder shall be determined by coin toss. The coin toss shall be performed in the presence of the Department Head, the Clerk Treasurer CAO, or their designate(s).

Section 19 – BID IRREGULARITIES

The process for administering irregularities contained in Bids pertaining to all Contracts shall be as set out in Schedule "C". For an irregularity listed in the first column of Schedule "C", the applicable response is set out opposite to the irregularity in the Second column of Schedule "C".

Section 20 – CONTRACTURAL AGREEMENT

1. A formal agreement is to be used when the resulting Contract is complex and will contain terms and conditions other than the Municipality of Charlton and Dack standard contractual terms and conditions.
2. It shall be the responsibility of the Department Head in charge of the particular Bid Solicitation, with the Clerk Treasurer CAO and/or Legal Counsel to determine if it is in the best interest of the Municipality of Charlton and Dack to establish a formal agreement with the supplier.
3. Where it is determined that a formal agreement is required, the formal agreement shall be reviewed and approved by Council.
4. Where a formal agreement is required, the Reeve and Clerk Treasurer CAO will establish the agreement with the approval of Council.

Section 21 – SURPLUS AND OBSOLETE GOODS

1. The Department Head shall notify the Clerk Treasurer CAO once any item has been deemed as surplus assets for sale or disposal. The Department Head shall obtain the approval of the Council prior to sale or disposition.
2. Surplus assets not required by any other department shall be sold or disposed of by the Clerk Treasurer CAO via formal auction, internet auction, tender, quotation negotiated sale or trade-in as set out by Council. Any remaining surplus assets may be awarded to a non-profit entity by Council. Revenue generated from the sale of surplus assets shall be credited to the appropriate account.
3. No Council Member or employee shall be permitted to receive surplus or obsolete goods except by purchase at public auction, public tender, trade or negotiated sale.

PART VI – OTHER**Section 22 – ACCESS TO INFORMATION**

The disclosure of information received relevant to the issue of Bid Solicitations or the Award of Contracts emanating from Bid Solicitations shall be in accordance with the provisions of the Municipal Freedom of Information and Protection of Privacy Act, as amended.

Section 23 – BY-LAW REVIEW

- 1) This By-Law shall be reviewed every five years or earlier to evaluate its effectiveness.

SCHEDULE "A"

To By-Law 204 of the Municipality of Charlton and Dack.

GOODS AND SERVICES "EXEMPT" FROM PROVISIONS OF THE PROCUREMENT POLICIES:

1. Training and Education
 - a) Conferences
 - b) Courses
 - c) Conventions
 - d) Memberships
 - e) Seminars
 - f) Periodicals
 - g) Magazines
 - h) Staff training
 - i) Staff Development
 - j) Staff Workshop
 - k) Council Training
 - l) Subscriptions
2. Expenses – Employee & Council
 - a) Advances
 - b) Meal Allowances
 - c) Travel & Hotel Accommodation
 - d) Miscellaneous-non-travel
3. Employer's General Expense
 - a) Payroll Deduction Remittances
 - b) Licenses (vehicles, radios etc.)
 - c) Debt payments
 - d) Grants to agencies
 - e) Tax remittances
 - f) Charges to/from other Government or Crown Corporations
 - g) Employee Income
4. Professional and Special Services
 - a) Honoraria
 - b) Committee fees
 - c) Legal Settlements
 - d) Tem. Vet
 - e) Evaluator services
 - f) Animal Control Services
5. Utilities
 - a) Postage
 - b) Hydro
 - c) Telephone
 - d) Fuel
6. Other goods and services as approved by Council resolution

SCHEDULE "B"

To By-Law 204 of the Municipality of Charlton and Dack

PURCHASING METHODS

Purchase Type	Value	Up to \$200	\$200 to \$3,000	\$3,000 to \$5,000	\$5,000 to \$10,000	Over \$10,000
General Purchases	Approval Level	Full Time Staff	Department Head	Clerk Treasurer CAO	Reeve and Clerk	Council
	Reporting Status	Budget/ Voucher	Budget/ Voucher	Budget/ Voucher	Report to Council	Report to Council
	Source of Bids	Discretionary	Discretionary	Minimum of 3 verbal/written quotations	Minimum of 3 written quotations	Tender/RFP
	Commitment	None	None	Purchase Order	Purchase Order	Contract/ Motion
Capital Purchases	Approval Level	Full Time Staff	Department Head	Clerk Treasurer CAO	Councillor in Charge and Clerk	Council
	Reporting Status	Budget/ Voucher	Budget/ Voucher	Report to Council	Report to Council	Report to Council
	Source of Bids	Discretionary	Discretionary	Minimum of 3 written quotations	Minimum of 3 written quotations	Tender/RFP
	Commitment	None	None	Purchase Order	Purchase Order	Contract/ Motion
Consultant Contracts	Approval Level	Clerk Treasurer CAO	Clerk Treasurer CAO	Council	Council	Council
	Reporting Status	Budget/ Voucher	Budget/ Voucher	Report to Council	Report to Council	Report to Council
	Source of Bids	Discretionary	Discretionary	Tender/RFP	Tender/RFP	Tender/RFP
	Commitment	None	None	Contract/ Motion	Contract/ Motion	Contract/ Motion
Rental and Service Agreements	Approval Level	Full Time Staff	Department Head	Clerk Treasurer CAO	Reeve and Clerk	Council
	Reporting Status	Budget/ Voucher	Report to Council	Report to Council	Report to Council	Report to Council
	Source of Bids	Discretionary	Discretionary	Minimum of 3 verbal/written quotations	Minimum of 3 written quotations	Tender/RFP
	Commitment	None	None	Contract	Contract	Contract
Recurring or non-competitive expenditures	Approval Level	Full Time Staff	Department Head or as delegated	Clerk Treasurer CAO or as delegated	Reeve and Clerk or as delegated	Council or as delegated
	Reporting Status	Budget/ Voucher	Budget/ Voucher	Budget/ Voucher	Budget/ Voucher	Budget/ Voucher
	Source of Bids	Discretionary	Discretionary	Discretionary	Discretionary	Discretionary
	Commitment	None	None	Budget/ Motion	Budget/ Motion	Budget/ Motion

SCHEDULE "C"

To By-Law 204 of the Municipality of Charlton and Dack

	IRREGULARITY	RESPONSE
1.	Late Bids.	Automatic rejection and not opened or read publicly.
2.	Unsealed Envelopes.	Automatic rejection.
3.	Insufficient Financial Security (No Bid Security or agreement to bond or insufficient Bid Bond or Agreement to Bond).	Automatic rejection.
4.	Bids completed and/or signed in erasable medium.	Automatic rejection.
5.	All required sections of Bid documents not completed.	Automatic rejection unless, in opinion of Council the incomplete nature is trivial or insignificant.
6.	Qualified Bids (Bids qualified or restricted by an attached statement).	Automatic rejection unless, in opinion of Council the incomplete nature is trivial or insignificant.
7.	Bids received on documents other than those provided or specified by the Municipality.	Automatic rejection.
8.	Bids Containing Minor Obvious Clerical Errors.	48 hours to correct and initial errors. Municipality reserves the right to waive initialling and accept bid
9.	Failure to execute Agreement to Bond (Surety's Consent) or Bonding Company Corporate Seal or signature missing from Agreement to Bond.	Automatic rejection.
10.	Failure to execute Bid Bond by Bidder and Bonding Company.	Automatic rejection.
a)	Corporate seal of the Bidder and Bonding Company missing	48 hours to correct. Municipality reserves the right to waive initialling and accept bid
11.	Documents – Execution	
a)	Corporate Seal or signature is missing; signatory's authority to bind the corporation or signature missing.	48 hours to rectify situation. Municipality reserves the right to waive initialling and accept bid
b)	Corporate seal and signature is missing; signatory's authority to bind the corporation and signature missing.	Automatic rejection.
12.	Erasures, Overwriting or Strike-Outs which are not Initialed.	48 hours to rectify situation. Municipality reserves the right to waive initialling and accept bid
a)	Uninitialed changes to the Tender documents, other than unit prices, which are trivial or not significant;	48 hours to initial. The determination of what constitutes trivial or insignificant uninitialed changes shall be made by Council.
b)	Unit prices in the Schedule of Prices have been changed but not initialed and the Contract totals are inconsistent with the price as changed;	48 hours to initial change in unit price. The determination of what constitutes trivial or insignificant uninitialed changes shall be made by Council.

c)	Unit prices in the Schedule of Prices which have been changed but not initialed and the Contract totals are inconsistent with the price as changed;	Automatic rejection.
13.	Mathematical errors which are not consistent with unit prices.	48 hours to initial corrections. Municipality reserves the right to waive initialling and accept bid
14.	Documents, in which all necessary Addenda, which have financial implication, have not been acknowledged.	Automatic rejection.
15.	Any other irregularities.	Council shall have the authority to waive other irregularities or grant 48 hours to initial such other irregularities, which they jointly consider to be minor.

NOTE: The above list of irregularities should not be considered all-inclusive. All Tenders and Requests for Proposal shall be opened at a Public meeting and Council will review minor irregularities not listed. Council may then accept the bid, or request that the bidder rectify the deviation.

SCHEDULE "D"
To By-Law 204 of the Municipality of Charlton and Dack
TENDER/REQUEST FOR PROPOSAL PROCESS

Tenders or Requests for Proposal will be called for all work, equipment, and materials with a value specified by this by-law by way of public advertising or invitational bid, unless otherwise approved by Council.

The Department Head with the Clerk Treasurer CAO will prepare a draft advertisement and tender documents for review at Council, providing the following information:

- ✓ dollar value
- ✓ description of work
- ✓ closing date

The Clerk Treasurer CAO will advertise and distribute tenders as follows:

- ✓ Posted in the Municipal Office
- ✓ Posted on the Municipal Website
- ✓ all public tenders, at the discretion of the Department Head, may be advertised in a local and/or regional, and/or construction newspaper.
- ✓ In some instances the contract may be sent to pre-qualified bidders. Pre-qualification of bidders includes the screening of potential vendors in such factors as financial capability, reputation, qualified staff and equipment management and product quality are considered.

Advertisements must include the following information (if applicable):

- site meeting time/date/location,
- contacts names for technical and purchasing inquiries,
- document fee (if applicable), and
- location for pick up and drop off of bid documents.

The closing date is usually the Friday prior to the next Council meeting. However, a tender may be closed in a shorter or longer period of time depending on the urgency or complexity of the item(s) being tendered.

Advertised tender packages are available from the Municipal Office, 287237 Sprucegrove Road, Municipality of Charlton and Dack. The tender fee (if applicable) is paid to the Municipality of Charlton and Dack department and information is recorded from bidders as documents are picked up. A copy is available for viewing prior to purchase.

All tender submissions must be addressed to the responsible department head, Municipality of Charlton and Dack, and returned in an envelope with the tender package. Administrative Staff will receive all sealed tender submissions and record the date and time received.

Administrative Staff will refuse to accept any tender submission that is

- ✓ not sealed
- ✓ received after the 16:00:00 closing deadline
- ✓ submitted after a tender has been cancelled.

Requests for withdrawal of a tender shall be allowed if the request is made before the closing time for the contract to which it applies. Requests must be directed to the Municipal Clerk-Treasurer CAO by letter or in person or by telephone, by a Senior Official of the company. The withdrawal of a tender does not disqualify a bidder from submitting another tender on the same contract.

A bidder who has already submitted a bid may submit a further bid at any time up to the official closing time. The last bid received will supersede and invalidate all bids

Tenders close at 16:00:00 on the appointed day, and are opened publicly at the next Council meeting.

Each tender is reviewed to determine whether a bid irregularity exists, and action is taken according to the nature of the irregularity (see Appendix B).

Tenders are tabulated and evaluated by the Council.

Following Council's approval, the Department Head shall ensure that a contract which legally binds the corporation, is executed by the Reeve and Clerk Treasurer CAO (if needed).

Tender results, if requested, shall be made public by the Clerk Treasurer CAO.