

**NORTH BAY**<sup>®</sup>  
O N T A R I O • C A N A D A

*Just North Enough to be PERFECT*

# Committee Agenda

**Committee Meeting of Council  
September 23, 2013  
at 7:00 p.m.**

# MEETINGS

**FOR THE WEEK OF  
SEPTEMBER 23<sup>RD</sup>, 2013**

Monday, September 23, 2013

7:00 p.m.

Committee Meeting of Council  
Council Chambers, 2<sup>nd</sup> Floor,  
City Hall

# MEETINGS

**HELD UNDER THE  
PLANNING ACT**

Monday, September 23, 2013

7:00 p.m.

Ronald Fortier, Guy Blanchard,  
Matthieu Blanchard, Kelly Fortin  
232 Maplewood Avenue

Ronald Fortier  
230 Maplewood Avenue

# PRESENTATION

**BUSINESS UNIT**

Monday, September 23, 2013

7:00 p.m.

Lea Janisse  
Corporate Services

**COMMUNITY SERVICES COMMITTEE**

Monday, September 23, 2013

Page 1

**Chairperson: Councillor Mendicino**  
**Vice-Chair: Councillor Mayne**  
**Member: Councillor Vaillancourt**  
**Ex-Officio: Mayor McDonald**

- CS-2001-35 Rezoning applications by Consolidated Homes Ltd. – Golf Club Road (D14/2001/CHLTD/GOLFCLUB).
- CS-2003-37 Condominium application by Rick Miller on behalf of New Era Homes Ltd. - McKeown Avenue (D07/2003/NEHL/ MCKEOWN).
- CS-2004-29 Rezoning and Plan of Subdivision applications by Rick Miller on behalf of Grand Sierra Investments Ltd. - Sage Road (D12/D14/2003/GSIL/SAGERD).
- CS-2011-04 Motion moved by Councillor Mayne on January 24, 2011 re Designated Off-Leash Dog Area (R00/2011/PARKS/DOGPARK).
- CS-2013-18 Motion presented by Councillor Maroosis and Councillor Mendicino on June 4, 2013 re Age Friendly Community (D00/2013/GENER/GENERAL).
- ▶**CS-2013-22 Report from Peter Carello dated August 7, 2013 re Rezoning application by Miller & Urso Surveying Inc. on behalf of Ronald Fortier, Guy Blanchard, Matthieu Blanchard and Kelly Fortier – 232 Maplewood Avenue (D14/2013/FORBL/232MAPLE).**
- ▶**CS-2013-23 Report from Peter Carello dated August 7, 2013 re Rezoning application by Miller & Urso Surveying Inc. on behalf of Ronald Fortier – 230 Maplewood Avenue (D14/2013/FORTI/230MAPLE).**
- CS-2013-24 Report from Peter Carello dated August 29, 2013 re Rezoning application by Neil and Wendy Luxton – 165 Hughes Road (D14/2013/LUXTN/HUGHES).

# CS-2013-22

Draft Recommendation:

- "That a) the proposed Zoning By-Law Amendment application Miller & Urso Surveying Inc. on behalf of Ronald Fortier, Guy Blanchard, Matthieu Blanchard and Kelly Fortier, 232 Maplewood Avenue in the City of North Bay to rezone the property legally described as Lots 258 and 259, Part of Lots 250 and 260, Part of Lane Plan 94, PIN No. 49158-0358 (LT), from a "Residential Third Density (R3)" zone to a "Residential Multiple First Density Special (RM1 Sp.)" zone, as shown on Schedules "A" & "B", attached to Planning Advisory Committee recommendation dated August 7, 2013, be approved;
- b) the subject property be placed under Site Plan Control pursuant to Section 41 of the *Planning Act*, R.S.O., 1990 as amended."

217 (2013) FROM [unclear] 103

INTER OFFICE

MEMO

*City of North Bay  
Planning Services*

**To:** Cathy Conrad, City Clerk  
**From:** Peter Carello - Senior Planner, Current Operations  
**Subject:** Resolution No. 4 - Planning Advisory Committee  
**Date:** August 7, 2013

Quoted below is Resolution No. 4 passed at the regular meeting of the Planning Advisory Committee held on Wednesday May 29, 2013:

Resolution No. 5

"That the Planning Advisory Committee recommend the following to City Council:

- 1) That the proposed Zoning By-law Amendment application by Miller & Urso Surveying Inc. on behalf of Ronald Fortier, Guy Blanchard, Matthieu Blanchard and Kelly, 232 Maplewood Avenue in the City of North Bay to rezone the property legally described as Lots 258 and 259, Part of Lots 250 and 260, Part of Lane Plan 94, PIN No. 49158-0358 (LT), from a "Residential Third Density (R3)" zone to a "Residential Multiple First Density Special (RM1 Sp.)" zone, be APPROVED; and
- 2) That the subject property be placed under Site Plan Control pursuant to Section 41 of the Planning Act, R.S.O., 1990 as amended."

Attached you will find a copy of the above noted resolution, the Planning Report and a draft copy of the by-laws. Kindly schedule a Public Meeting before City Council. Please note the circulation period for this application is 20 days.



Peter Carello  
Senior Planner, Current Operations  
Secretary-Treasurer, Planning Advisory Committee

<b>RECEIVED</b>
<b>CITY OF NORTH BAY</b>
<b>AUG 20 2013</b>
<b>CLERK'S DEPT.</b>

North Bay Planning Advisory Committee

Resolution No. 4

Date: July 24, 2013

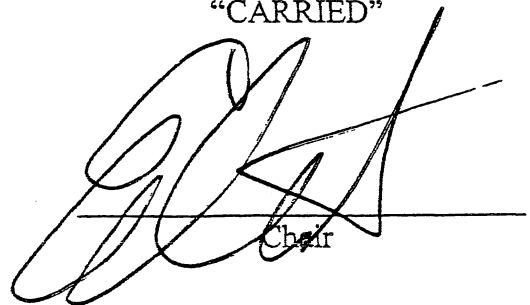
Moved By: 

Seconded By: 

“That the Planning Advisory Committee recommend the following to City Council:

- 1) That the proposed Zoning By-law Amendment application by Miller & Urso Surveying Inc. on behalf of Ronald Fortier, Guy Blanchard, Matthieu Blanchard and Kelly, 232 Maplewood Avenue in the City of North Bay to rezone the property legally described as Lots 258 and 259, Part of Lots 250 and 260, Part of Lane Plan 94, PIN No. 49158-0358 (LT), from a “Residential Third Density (R3)” zone to a “Residential Multiple First Density Special (RM1 Sp.)” zone, be APPROVED; and
- 2) That the subject property be placed under Site Plan Control pursuant to Section 41 of the Planning Act, R.S.O., 1990 as amended.”

“CARRIED”

  
Chair

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**INTER OFFICE**

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**City of North Bay**  
**PLANNING SERVICES**

**MEMO**

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**To:** Chair and Members, Planning Advisory Committee

**From:** Peter Carello – Senior Planner, Current Operations

**Subject:** Proposed Zoning By-law Amendment by Miller & Urso Surveying Inc. on behalf of Ronald Fortier, Guy Blanchard, Matthieu Blanchard and Kelly Fortier – 232 Maplewood Avenue in the City of North Bay

**Date:** July 19<sup>th</sup>, 2013

**Recommendation**

- 1) That the proposed Zoning By-law Amendment by Miller & Urso Surveying Inc. on behalf of Ronald Fortier, Guy Blanchard, Matthieu Blanchard and Kelly Fortier for the property legally described as Lots 258 and 259, Part of Lots 250 and 260, Part of Lane Plan 94, PIN No. 49158-0358 (LT), known locally as 232 Maplewood Avenue in the City of North Bay from a 'Residential Third Density (R3)' zone to 'Residential Multiple First Density Special (RM1 Sp.)' zone, BE APPROVED; and
- 2) That the subject lands be placed under Site Plan Control pursuant to Section 41 of the Planning Act, R.S.O., 1990 as amended.

**Site**

**Legal Description:** Lots 258 and 259, Part of Lots 250 and 260, Part of Lane Plan 94, PIN No. 49158-0358 (LT) in the City of North Bay, District of Nipissing.

**Site Description:** The subject property is an existing lot of record located on Maplewood Avenue. It is currently zoned 'Residential Third Density (R3)' under Zoning By-law 28-80 and designated 'Residential' in the City of North Bay's Official Plan.

The property is 787.3 square metres with a frontage of 23.8 metres on Maplewood Avenue, as shown on attached Schedule A. It is developed with the former rectory for the former St. Anges church that was located on the adjacent property. With the closure of St. Anges, both properties have been redeveloped residentially. The subject property was converted from a rectory into a duplex dwelling. The abutting property directly to the East (former church) is also subject to a rezoning application.

**Surrounding Land Uses:** The subject property is located in a residential neighbourhood primarily comprised of single detached dwellings. Other forms of residential development, including semi-detached dwellings, townhouses and an apartment building, are also located in the surrounding area.

**Proposal**

Miller & Urso Surveying Inc. on behalf of Ronald Fortier, Guy Blanchard, Matthieu Blanchard and Kelly Fortier have submitted a Zoning By-law Amendment application for the property known locally as 232 Maplewood Avenue from a 'Residential Third Density (R3)' zone to a 'Residential Multiple First Density Special (RM1 Sp.)' zone, as shown on attached Schedule B, in order to convert the existing duplex into

a triplex.

The Special component of the zoning would be to recognize the existing rear yard of 4.9 metres which does not meet the requirements of Zoning By-law 28-80.

### **Provincial Policy:**

#### **Growth Plan for Northern Ontario (GPNO 2011)**

The Growth Plan for Northern Ontario (GPNO 2011) was introduced on March 3rd, 2011. All Planning Applications must consider this Plan as part of the evaluation process.

The GPNO 2011 is broad in scope and is aimed at shaping development in Northern Ontario over the next 25 years. It outlines strategies that deal with economic development, education, community planning, transportation/infrastructure, environment, and aboriginal peoples. This Plan is primarily an economic development tool that encourages growth in Northern Ontario. Specific Planning related policies, including regional economic planning, the identification of strategic core areas, and targets for intensification have not yet been defined by the Province or incorporated into the Official Plan.

In my professional opinion, the proposed Zoning By-law Amendment is consistent with the policies and direction provided by the Growth Plan for Northern Ontario (GPNO 2011).

#### **Provincial Policy Statement (PPS 2005)**

This proposal has been reviewed in the context of the Provincial Policy Statement (PPS 2005). The Provincial Policy Statement provides policy direction on matters of provincial interest related to land use planning and development.

Section 1.1.3 of the PPS 2005 provides policy for Settlement Areas and states:

#### ***“1.1.3 Settlement Areas***

*1.1.3.1 Settlement areas shall be the focus of growth and their vitality and regeneration shall be promoted.*

*1.1.3.2 Land use patterns within settlement areas shall be based on:*

*a) densities and a mix of land uses which:*

- 1. efficiently use land and resources;*
- 2. are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion; and*
- 3. minimize negative impacts to air quality and climate change, and promote energy efficiency in accordance with policy 1.8; and*

*b) a range of uses and opportunities for intensification and redevelopment in accordance with the criteria in policy 1.1.3.3.*

*1.1.3.3 Planning authorities shall identify and promote opportunities for intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs.*



*1.1.3.4 Appropriate development standards should be promoted which facilitate intensification and redevelopment and compact form, while maintaining appropriate levels of public health and safety.”*

The subject property is an existing duplex is located on a large lot. Planning Services Staff are of the opinion that as the subject property is located within North Bay’s Settlement Area and has access to adequate municipal services, the proposed rezoning to convert the duplex into a triplex would be consistent with the policies contained in the Provincial Policy Statement (PPS 2005).

### **Official Plan**

The property is currently designated ‘Residential’ in the City of North Bay’s Official Plan.

Section 2.1.1 of the Official Plan states:

*“Infill and intensification developments will be primarily encouraged in the Central Business District (CBD) and surrounding neighbourhoods, where appropriate and where adequate municipal services, facilities, and transit routes exist. Infilling and intensification will also be promoted in other areas of the City where there is appropriate infrastructure and new development or redevelopment is compatible with surrounding land uses [...]*

The subject property is developed with a building that was previously the rectory for a church, since converted to a duplex. Based on this history, the existing property and building are uncharacteristically large and would be able to accommodate the creation of an additional dwelling unit. As a result, Planning Staff are of the opinion the Zoning By-law Amendment and proposed conversion of a duplex to a triplex is appropriate and is consistent with the intent of the City of North Bay’s Official Plan.

### **Zoning By-Law No. 28-80**

The subject property is presently zoned “Residential Third Density (R3)”, which permits the following uses:

- single detached dwelling (min frontage 13.7 m);
- duplex dwelling;
- semi-detached dwelling;
- Group Home Type 1;
- accessory home based businesses;
- parks, playgrounds & non-profit uses; and
- institutional uses.

The Applicant is proposing to rezone the subject property to a “Residential Multiple First Density Special (RM1 Sp.)” zone which permits the following uses:

- duplex dwelling;
- semi-detached dwelling;
- triplex;
- double duplex;
- multiple dwellings
- Group Home Type 1;
- Group Home Type 2;
- accessory home based businesses;

- parks, playgrounds & non-profit uses;
- day nurseries; and
- institutional uses.

The 'Special' zoning is required to recognize the existing property's existing legal non-complying rear yard setback of 4.9 metres.

The subject property is able to meet all other regulations of the Zoning By-law

### Correspondence

This proposal was circulated to property owners within 120 metres (400 feet) of the subject lands, as well as to several municipal departments and agencies that may have an interest in the application. In terms of correspondence received from these departments and agencies, the Planning Department received the following comments:

- Fire Department: *"No objections"*
- North Bay Hydro: *"No objections"*
- Engineering Department: *"No concerns"*
- North Bay Mattawa Conservation Authority: *"No objections"*
- Municipal Heritage Committee: *"No objections"*

No further correspondence was received with regard to this proposal.

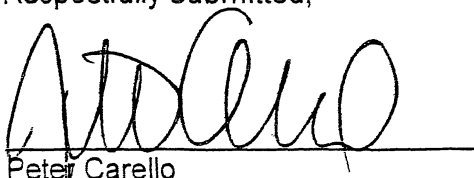
### Summary

The Applicants have submitted a Zoning By-law Amendment Application to rezone the subject property from a 'Residential Third Density (R3)' zone to a 'Residential Multiple First Density Special (RM1 Sp.)' zone in order to convert an existing duplex dwelling into a triplex. Special zoning is required to recognize the property's existing rear yard setback of 4.9 metres.

As a result of the subject property's large lot size and location in a neighbourhood that features access to adequate municipal services, it is Planning Services Staff's opinion the proposed Zoning By-law Amendment is consistent with the intensification policies of the Provincial Policy Statement and the City's Official Plan.

In conclusion, it is my professional opinion the proposed Zoning By-law Amendment Application is consistent with the City of North Bay's Official Plan and Provincial Policy, as set out by the Growth Plan for Northern Ontario (GPNO 2011) and the Provincial Policy Statement (PPS 2005).

Respectfully submitted,



Peter Carello

Senior Planner – Current Operations

PC/dlb

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attach(s).

I concur with the recommendations contained in this report.



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Beverley Hillier, MCIP, RPP  
Manager, Planning Services

# SCHEDULE A



# SCHEDULE B

SURVEYOR'S REAL PROPERTY REPORT  
PART 1, PLAN OF SURVEY

ALL OF LOTS 258, 259 & 260  
AND PART OF LANE  
REGISTERED PLAN No 94

## CITY OF NORTH BAY

DISTRICT OF MISSISSAUGA

SCALE 1 : 250

0 m 10 m 20 m

MILLER & URSD SURVEYING INC.

### OAKWOOD AVENUE



REGISTERED

PLAN

No.

94

LOT 257  
PIN 49158 - 0362 (LT)

PIN 49158 - 0358 (LT)

PIN 49158 - 0360 (LT)

PROPOSED ZONING - RM1

PROPOSED ZONING - RM1 S<sub>0</sub>

PIN 49158 - 0288 (LT)  
(REGISTERED PLAN No. 94)

### MAPLEWOOD AVENUE

METRIC

DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

CLIENT: IRON FORTIER

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Miller & Urso Surveying Inc.  
Ontario Land Surveyors & Canada Land Surveyors

Planning Consultants  
1300 WILSON AVENUE, SUITE 100, MISSISSAUGA, ONTARIO L4X 1L3  
TEL: (905) 875-1100 FAX: (905) 875-1101

# CS-2013-23

## Draft Recommendation:

- "That a) the proposed Zoning By-Law Amendment application Miller & Urso Surveying Inc. on behalf of Ronald Fortier, 230 Maplewood Avenue in the City of North Bay to rezone the property legally described as Lots 261, 262, and 263, Part of Lots 250, 251, 252, 253 and 260, and Part of Lane Plan 94, PIN No. 49158-0360 (LT), from a "Residential Third Density (R3)" zone to a "Residential Multiple First Density Special (RM1 Sp.)" zone, as shown on Schedules "A" & "B", attached to Planning Advisory Committee recommendation dated August 7, 2013, be approved;
- b) the subject property be placed under Site Plan Control pursuant to Section 41 of the *Planning Act*, R.S.O., 1990 as amended."

INTER OFFICE

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**City of North Bay  
Planning Services**

MEMO

**To:** Cathy Conrad, City Clerk  
**From:** Peter Carello - Senior Planner, Current Operations  
**Subject:** Resolution No. 5 - Planning Advisory Committee  
**Date:** August 7, 2013

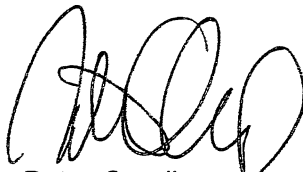
Quoted below is Resolution No. 5 passed at the regular meeting of the Planning Advisory Committee held on Wednesday May 29, 2013:

Resolution No. 5

“That the Planning Advisory Committee recommend the following to City Council:

- 1) That the proposed Zoning By-law Amendment application by Miller & Urso Surveying Inc. on behalf of Ronald Fortier, 230 Maplewood Avenue in the City of North Bay to rezone the property legally described as Lots 261, 262 and 263, Part of Lots 250, 251, 252, 253 and 260 and Part of Lane Plan 94, PIN No. 49158-0360 (LT), from a “Residential Third Density (R3)” zone to a “Residential Multiple First Density Special (RM1 Sp.)” zone, be APPROVED; and
- 2) That the subject property be placed under Site Plan Control pursuant to Section 41 of the Planning Act, R.S.O., 1990 as amended.”

Attached you will find a copy of the above noted resolution, the Planning Report and a draft copy of the by-laws. Kindly schedule a Public Meeting before City Council. Please note the circulation period for this application is 20 days.

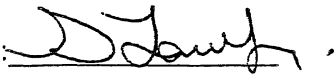


Peter Carello  
Senior Planner, Current Operations  
Secretary-Treasurer, Planning Advisory Committee

North Bay Planning Advisory Committee

Resolution No. 5

Date: July 24, 2013


Moved By: 

Seconded By: 

“That the Planning Advisory Committee recommend the following to City Council:

- 1) That the proposed Zoning By-law Amendment application by Miller & Urso Surveying Inc. on behalf of Ronald Fortier, 230 Maplewood Avenue in the City of North Bay to rezone the property legally described as Lots 261, 262 and 263, Part of Lots 250, 251, 252, 253 and 260 and Part of Lane Plan 94, PIN No. 49158-0360 (LT), from a “Residential Third Density (R3)” zone to a “Residential Multiple First Density Special (RM1 Sp.)” zone, be APPROVED; and
- 2) That the subject property be placed under Site Plan Control pursuant to Section 41 of the Planning Act, R.S.O., 1990 as amended.”

“CARRIED”

  
Chair



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**INTER OFFICE**

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**City of North Bay**  
**PLANNING SERVICES**

**MEMO**

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**To:** Chair and Members, Planning Advisory Committee

**From:** Peter Carello – Senior Planner, Current Operations

**Subject:** Proposed Zoning By-law Amendment by Miller & Urso Surveying Inc. on behalf of Ronald Fortier – 230 Maplewood Avenue in the City of North Bay

**Date:** July 22<sup>nd</sup>, 2013

**Recommendation**

- 1) That the proposed Zoning By-law Amendment by Miller & Urso Surveying Inc. on behalf of Ronald Fortier for the property legally described as Lots 261, 262 and 263, Part of Lots 250, 251, 252, 253 and 260 and Part of Lane Plan 94, PIN No. 49158-0360 (LT), known locally as 230 Maplewood Avenue in the City of North Bay from a 'Residential Third Density (R3)' zone to a 'Residential Multiple First Density Special (RM1 Sp.)' zone, BE APPROVED; and
- 2) That the subject lands be placed under Site Plan Control pursuant to Section 41 of the Planning Act, R.S.O., 1990 as amended.

**Site**

**Legal Description:** Lots 261, 262 and 263, Part of Lots 250, 251, 252, 253 and 260 and Part of Lane Plan 94, PIN No. 49158-0360 (LT) in the City of North Bay, District of Nipissing.

**Site Description:** The subject property is an existing lot of record located on Maplewood Avenue. It is currently zoned 'Residential Third Density (R3)' under Zoning By-law 28-80 and designated 'Residential' in the City of North Bay's Official Plan.

The property is 1252 square metres with a frontage of 34.1 metres on Maplewood Avenue, as shown on attached Schedule A. The property and existing building were previously utilized as a church. Since its time as a church, the property has been severed and converted into a semi-detached dwelling. Whereas most semi-detached dwelling units share a partitioning wall along the side yard, the configuration of this semi-detached dwelling unit is unusual in that the partitioning wall is in the rear yard. As a result, one half of the semi-detached fronts on Maplewood Avenue and the other half fronts on Oakwood Avenue. Each half of the semi-detached dwelling unit is owned by a separate owner.

This application is for the southern half of the semi-detached dwelling unit, which has frontage on Maplewood Avenue.

**Surrounding Land Uses:** The subject property is located in a residential neighbourhood comprised largely of single detached dwellings. Other forms of residential development, including semi-detached dwellings, townhouses and an apartment building, are also located in the surrounding area.

## Proposal

Miller & Urso Surveying Inc., on behalf of Ronald Fortier, have submitted a Zoning By-law Amendment Application for the property known locally as 230 Maplewood Avenue from a 'Residential Third Density (R3)' zone to a 'Residential Multiple First Density Special (RM1 Sp.)' zone, as shown on attached Schedule B, in order to permit a second dwelling unit in one half of the semi-detached dwelling. The Special component of the zoning would be the allowance of a second dwelling unit within a half of a semi-detached dwelling as a permitted use. The rear yard setback is also being reduced to zero in order to recognize the unique configuration of the existing semi-detached dwelling unit.

## Provincial Policy:

### Growth Plan for Northern Ontario (GPNO 2011)

The Growth Plan for Northern Ontario (GPNO 2011) was introduced on March 3rd, 2011. All Planning Applications must consider this Plan as part of the evaluation process.

The GPNO 2011 is broad in scope and is aimed at shaping development in Northern Ontario over the next 25 years. It outlines strategies that deal with economic development, education, community planning, transportation/infrastructure, environment, and aboriginal peoples. This Plan is primarily an economic development tool that encourages growth in Northern Ontario. Specific Planning related policies, including regional economic planning, the identification of strategic core areas and targets for intensification have not yet been defined by the Province or incorporated into the Official Plan.

In my professional opinion, the proposed Zoning By-law Amendment is consistent with the policies and direction provided by the Growth Plan for Northern Ontario (GPNO 2011).

### Provincial Policy Statement (PPS 2005)

This proposal has been reviewed in the context of the Provincial Policy Statement (PPS 2005). The Provincial Policy Statement provides policy direction on matters of provincial interest related to land use planning and development.

Section 1.1.3 of the PPS 2005 provides policy for Settlement Areas and states:

#### *"1.1.3 Settlement Areas*

*1.1.3.1 Settlement areas shall be the focus of growth and their vitality and regeneration shall be promoted.*

*1.1.3.2 Land use patterns within settlement areas shall be based on:*

*a) densities and a mix of land uses which:*

- 1. efficiently use land and resources;*
- 2. are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion; and*
- 3. minimize negative impacts to air quality and climate change, and promote energy efficiency in accordance with policy 1.8; and*

*b) a range of uses and opportunities for intensification and redevelopment in accordance with the criteria in policy 1.1.3.3.*

1.1.3.3 *Planning authorities shall identify and promote opportunities for intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs.*

1.1.3.4 *Appropriate development standards should be promoted which facilitate intensification and redevelopment and compact form, while maintaining appropriate levels of public health and safety."*

The subject property is located within North Bay's Settlement Area and is on existing municipal services where adequate capacity exists to accommodate the proposed second dwelling unit. It is the opinion of Planning Staff this application is an example of the residential redevelopment and intensification encouraged by PPS 2005.

The building was previously utilized as a church. The closure of the church and the subsequent redevelopment of the building for residential purposes is consistent with Section 1.1.3.1, which encourages the regeneration lands within the Settlement Area. This application represents the continuation of this redevelopment.

In my professional opinion, the proposed Zoning By-law amendment is consistent with the policies contained in the Provincial Policy Statement (PPS 2005).

### **Official Plan**

The property is currently designated 'Residential' in the City of North Bay's Official Plan.

Section 2.1.1 of the Official Plan states:

*"Infill and intensification developments will be primarily encouraged in the Central Business District (CBD) and surrounding neighbourhoods, where appropriate and where adequate municipal services, facilities, and transit routes exist. Infilling and intensification will also be promoted in other areas of the City where there is appropriate infrastructure and new development or redevelopment is compatible with surrounding land uses [...]"*

*The City will continue its practice through this Plan and the Comprehensive Zoning By-law to encourage secondary residential units in houses."*

The existing semi-detached dwelling is located on a large lot, with considerably more frontage than a typical semi-detached dwelling unit. The subject property has access to the full range of municipal and public services. This includes adequate sewer/water services, access to school buses and municipal transit. As such, it is appropriate to consider the intensification of the subject property.

Planning Services Staff are of the opinion the proposed Zoning By-law Amendment is consistent with the intent of the City of North Bay's Official Plan.

### **Zoning By-law No. 28-80**

The subject property is presently zoned "Residential Third Density (R3)", which permits the following uses:

- single detached dwelling (min frontage 13.7 m);
- duplex dwelling;
- semi-detached dwelling;

- Group Home Type 1;
- accessory home based businesses;
- parks, playgrounds & non-profit uses; and
- institutional uses.

The Applicant is proposing to rezone the subject property to a "Residential Multiple First Density Special (RM1 Sp.)" zone which permits the following uses:

- duplex dwelling;
- semi-detached dwelling;
- triplex;
- double duplex;
- multiple dwellings;
- Group Home Type 1;
- Group Home Type 2;
- accessory home based businesses;
- parks, playgrounds & non-profit uses;
- day nurseries; and
- institutional uses.

As the Zoning By-law does not permit an apartment within a semi-detached unit, the 'Special' component of the proposed application would permit this use. As the partitioning wall separating each half of the semi-detached dwelling is in the rear yard, the 'Special' zone would also recognize the rear yard setback of 0 metres.

The subject property will meet all other requirements of the Zoning By-law.

### Correspondence

This proposal was circulated to property owners within 120 metres (400 feet) of the subject lands, as well as to several municipal departments and agencies that may have an interest in the application. In terms of correspondence received from these departments and agencies, the Planning Department received the following comments:

- Fire Department: *"No objections"*
- North Bay Hydro: *"No objections"*
- Engineering Department: *"No concerns"*
- North Bay Mattawa Conservation Authority: *"No objections"*
- Municipal Heritage Committee: *"No objections"*

No further correspondence was received with regard to this proposal.

### Summary

The Applicants have submitted a Zoning By-law Amendment Application to rezone the subject property from a 'Residential Third Density (R3)' zone to a 'Residential Multiple First Density Special (RM1 Sp.)' zone in order to permit the creation of a second dwelling unit in the existing semi-detached dwelling.

Special zoning is required as the subject property has no rear yard setback and additional dwelling units are not permitted in semi-detached dwellings by Zoning By-law 28-80.

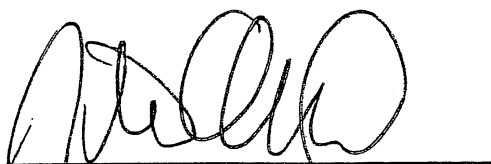
The property was previously utilized as a church, which typically are purpose-built structures. Redeployment of these types of buildings is uncommon and creates unusual circumstances. In the case of the subject property, the semi-detached dwelling is located on a property that is much larger than a standard semi-detached dwelling unit. Whereas the existing R3 zone permits a semi-detached to develop on a property with 9m of frontage and 278.7 sq.m of lot area, the subject property far exceeds these requirements, maintaining 34.1m of frontage and 1,252 sq.m of lot area. As a result, Planning Services Staff are of the opinion an additional dwelling unit would be appropriate for this property.

The property was previously severed at the rear of the property to create the semi-detached dwelling unit. The proposed rezoning would recognize this as a typical lot configuration, reducing the rear yard setback to 0 metres. Given the unique circumstances of the subject property, Planning Services is of the opinion this is appropriate.

The subject property is also located within the Settlement Area with access to adequate municipal services and is therefore consistent with the intensification policies of the Provincial Policy Statement and the City's Official Plan.

In conclusion, it is my professional opinion the proposed Zoning By-law Amendment Application is consistent with the City of North Bay's Official Plan and Provincial Policy, as set out by the Growth Plan for Northern Ontario (GPNO 2011) and the Provincial Policy Statement (PPS 2005).

Respectfully submitted,



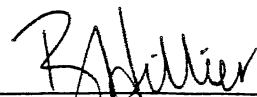
Peter Carello  
Senior Planner, Current Operations

PC/dlb

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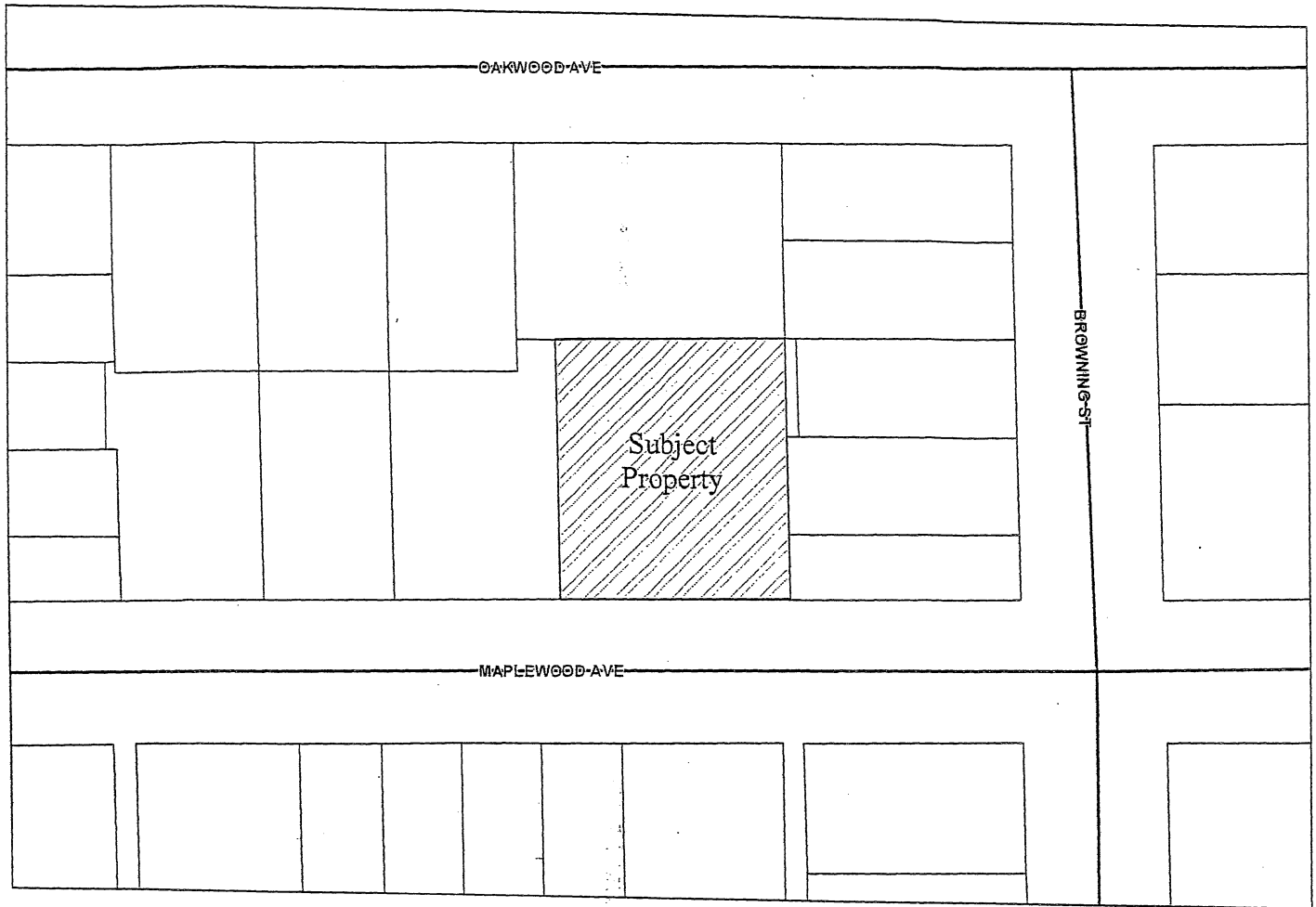
attach(s).

I concur with the recommendations contained in this report.



Beverley Hillier, MCIP, RPP  
Manager, Planning Services

# SCHEDULE A



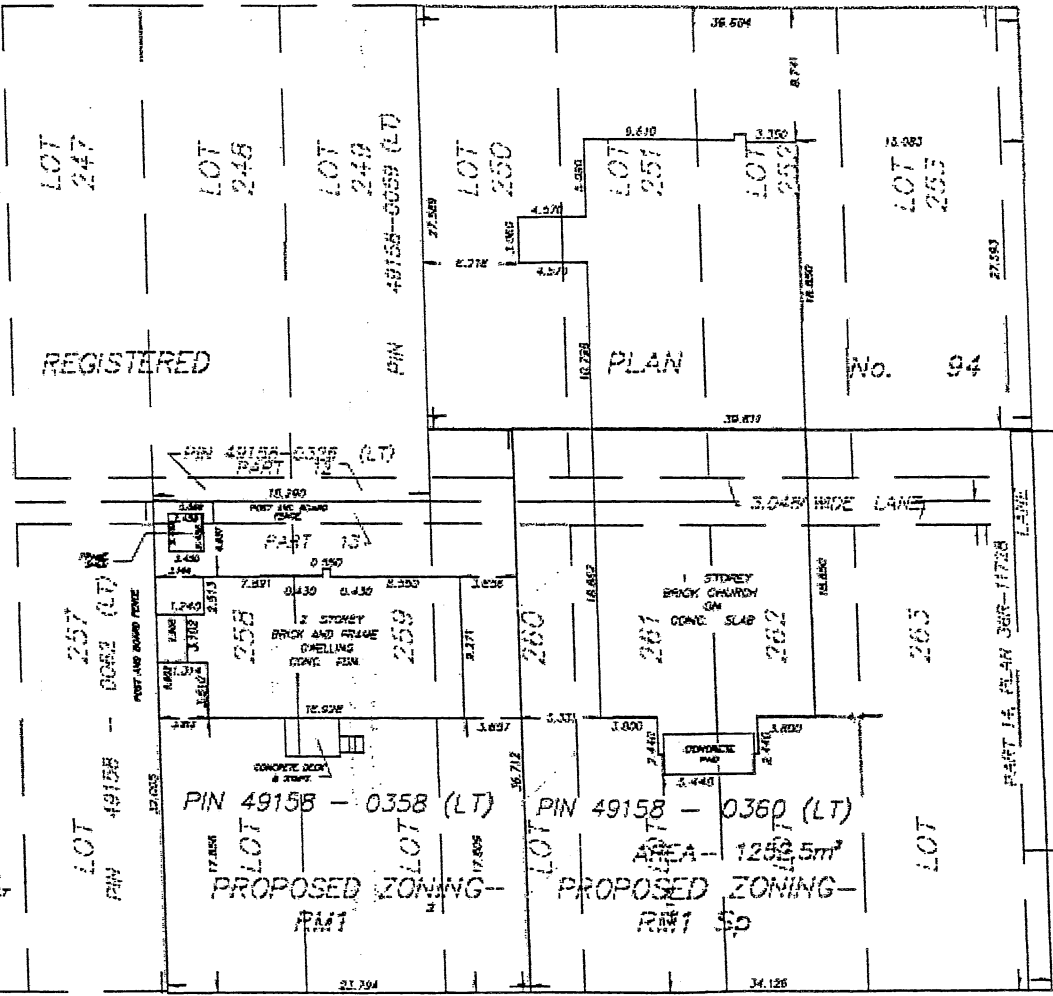
# SCHEDULE B

SURVEYOR'S REAL PROPERTY REPORT  
 PART 1, PLAN OF SURVEY  
 ALL OF LOTS 258, 259 & 260  
 AND PART OF LANE  
 REGISTERED PLAN No 94  
**CITY OF NORTH BAY**  
 DISTRICT OF BRISSING

SCALE 1 : 250  
 0 m 10 m 20 m

OAKWOOD AVENUE

MILLER & URSO SURVEYING Inc.



METRIC  
 DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

CLIENT: RON FORTNER

PIN 49158 - 0288 (LT)  
 (REGISTERED PLAN No. 94)  
 MAPLEWOOD AVENUE

(C) COPYRIGHT 2015, Miller & Urso Surveying Inc.  
 Miller & Urso Surveying Inc.  
 Ontario Land Surveyors & Certified Land Surveyors  
 Planning Consultants  
 150 WINDSOR STREET SUITE 201 ONT. L1N 1G3 TEL: (705) 524-1100 FAX: (705) 524-1102

**ENGINEERING & WORKS COMMITTEE**

Monday, September 23, 2013

Page 1

**Chairperson: Councillor Vrebosch**  
**Vice-Chair: Councillor Koziol**  
**Member: Councillor Campbell**  
**Ex-Officio: Mayor McDonald**

EW-2010-03 Report from A. Korell/J. Houston dated March 26, 2010 re  
Kate Pace Way west end bike route connection between  
Memorial Drive and Gormanville Road  
(R05/2010/KPWTR/WESTENDR).



**GENERAL GOVERNMENT COMMITTEE**

Monday, September 23, 2013

Page 1

**Chairperson: Councillor Lawlor**  
**Vice-Chair: Councillor Anthony**  
**Members: Councillors Bain, Marosis**  
**Ex-Officio: Mayor McDonald**

GG-2011-16 Report from C.M. Conrad dated August 2, 2011 re Election campaign signs (C07/2011/ELECT/GENERAL).

GG-2013-06 Report from Christina Murphy dated March 8, 2013 re Smoking By-Law, Restaurant and Bar Patio Amendment (C00/2013/BYLAW/SMOKING).

▶ **GG-2013-07 Report from Paul Valenti dated May 10, 2013 re Purchasing By-Law (C00/2013/BYLAW/PURCHASE).**

GG-2013-09 Report from Margaret Karpenko dated August 6, 2013 re 2014 Operating Budget Timelines and Process (F05/2013/OPEBU/GENERAL).

# **GG-2013-07**

Draft Recommendation:

"That Council approve the revised Purchasing By-Law."

**CITY OF NORTH BAY**

**SUPPLEMENTAL REPORT TO COUNCIL**

Report No: CORP 2013-98

September 16, 2013

Originator: Paul Valenti

Subject: Supplemental to CORP 2013-61 Purchasing By-law

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**BACKGROUND:**

A further review of the proposed Purchasing By-law, as presented in Report 2013-61, has identified an oversight with respect to best practices relating to municipal procurement. Therefore we recommend including a section outlining the City's procurement policy with respect to Influence and Integrity.

The following will be inserted in the proposed Purchasing By-law as section 22, Influence and Integrity, with the replaced section and further sections to follow in the order as originally presented.

**22. INFLUENCE AND INTEGRITY**

- 22.1 No person, company, corporation, organization or representative of the City shall attempt in any way, either in private or public, to influence the outcome of Bid Request.
- 22.2 The Bid or Proposal of any person, company, corporation or organization that attempts to influence the outcome of a Bid Request may be disqualified and may be subjected to suspension or exclusion from future Bid Requests in accordance with the Vendor Performance Policy.

The above insertion is consistent with best practices in public and municipal procurement and ensures our processes are fair. It outlines the responsibilities of all persons, both within and outside of the organization, and the importance of integrity within the purchasing process.

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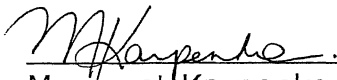
Respectfully submitted,



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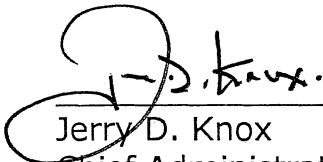
Paul Valenti  
Manager of Purchasing

We concur in this report and recommendation.



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Margaret Karpenko, CMA  
Chief Financial Officer/Treasurer



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Jerry D. Knox  
Chief Administrative Officer

**CITY OF NORTH BAY**  
**REPORT TO COUNCIL**

Report No: CORP 2013-61

May 10, 2013

Originator: Paul Valenti

Subject: Purchasing By-law

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**RECOMMENDATION:**

That Report to Council 2013-61 dated May 7, 2013 Re: Purchasing By-law be received and referred to the General Government Committee.

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**BACKGROUND:**

The *Municipal Act* requires all municipalities to establish and maintain a policy with respect to its procurement of goods and services. Purchasing By-law 2004-196, as amended, establishes the authority and sets out the methods by which goods and services will be purchased and disposed of by the City of North Bay. Section 22 of this By-law requires a review by Council every five years or at such time major revisions are made.

Lead by the Manager of Purchasing, an internal review was undertaken with consideration for:

- Practical issues, concerns and challenges that have been identified since establishing the original By-law
- Ensuring our processes promote fairness, objectivity, and transparency
- Best practices in the municipal sector
- Comparative municipalities
- Timeliness of contract awards
- Clearly defining, both internally and to the general public, how goods and services will be acquired

Based on this review, it is recommended that By-law 2004-196, as amended, be repealed and replaced with a new Purchasing By-law. Although the general scope and application of the new By-law remains much the same in principal, changes to format and wording, along with additional sections and schedules are being proposed in an effort to improve the interpretation and clarity of the guidelines.

---

The following highlights the key changes and additions of the newly proposed Purchasing By-law:

- a) Section 2 Definitions include an increase in the number of terms defined.
- b) Section 4 Responsibilities provides more detail with respect to the responsibilities of staff. It is critical that staff have a clear understanding of their role, and together with training and education is able to follow a consistent set of practices in the procurement process.
- c) Section 5 Restrictions and Exceptions refers to a new Schedule "A". This schedule outlines additional items and services that are exempt from open and competitive procedures.
- d) Section 6 Standard Procurement Methods details the methods to be used in acquiring goods and services. This section refers to Schedule "C" that provides the limits at which specific procurement methods are used, the requirement for competitive quotes, when public advertising is required, and authority to approve. The new By-law proposes the following changes:
  - Increase the limit of a "Low Value Purchase" from \$2,000 to \$5,000. This is consistent with comparative municipalities and the public sector. It provides for greater flexibility and efficiency in dealing with these types of purchases. Although the requirement for competitive quotes is not necessary up to this limit, the By-law is specific in the requirement to demonstrate that "fair value" is received.
  - The Purchase approval limit for the Managing Directors has been increased from \$20,000 to \$25,000.
  - A Purchased approval limit for Directors and the City Clerk be established at the level up to \$15,000.
  - The Purchase approval limit for the CAO increases from \$50,000 to \$75,000. The required approval limit for Council will increase accordingly.

The proposed changes are consistent with other comparative municipalities. The changes offer the opportunity to improve the timeliness in acquiring goods or services within these ranges. The checks and balances, important to the integrity of our process, must be practical and efficient in our ability to award and commence a contract.

- e) Section 7 Negotiation is new and outlines the circumstances where negotiation with a supplier or contractor can take place. Public

procurement has seen a trend where negotiation is far more prevalent. However, there are legal rights and responsibilities of each party in the tendering process which must be adhered to. The section clearly describes the circumstances when negotiation is allowed.

- f) Section 8 Extraordinary Circumstance (Emergency) Purchases adds detail on what constitutes this type of purchase. Provides for a clearer definition of emergency.
- g) Section 9 Sole Source Purchases and Section 10 Single Source Purchases have replaced the Non-Competitive Purchases section of the current By-law. The sections have purposely been split to identify the difference between the two. A sole source purchase is a situation whereby only one source is available that meets the requirements. A single source purchase occurs when more than one source is available, but the purchase is directed only to one. It is important that the rules around the later are clearly defined. Also under these sections, the By-law speaks specifically to when single sourcing of goods or services for reasons of standardization can occur, and the requirement to define a timeline for further review. Lastly, the new By-law has removed "At the discretion of the Purchasing Manager" as justification to proceed with a sole or single source purchase. Such discretion will fall under Section 19 Council Approval, part b)"Where this By-law is being waved".
- h) Section 14 Bid Irregularities refers to a new Schedule "B" which lists 36 potential bid irregularities and the method in which the City will deal with such. The schedule of responses is consistent within public procurement and other municipalities and is critical in alleviating any potential legal claims or disputes.
- i) Section 15 Identical Bids has been added. Although unlikely, a method to handle such a situation should be included in the By-law.
- j) Section 16 Contract Execution is new and refers to Schedule "C" that outlines the method of contract and requirement for a purchase order vs. a formal agreement.
- k) Section 18 Supplier/Contractor Performance and Ability indicates the authority and process to reject a bid on the basis of past poor performance or inability to execute the contract. The current By-law provides this authority to Council. The new By-law proposes that this authority rest with the CAO, upon recommendation of the Purchasing Review Committee.

- 
- l) Section 19 Council Approval provides Council the discretion and authority to waive the By-law in the award of Contract. It should be noted that there are legislated trade agreements including the *Agreement on Internal Trade* and the *Ontario-Quebec Trade and Cooperation Agreement* that should be contemplated when using this discretion.

This recommendation provides Council an opportunity to review our practices and understand the roles, responsibilities, and appropriate authorities of staff. In 2002, the Toronto Computer Leasing Inquiry and more recently the Quebec Charbonneau Commission highlight the importance of a procurement By-law with fair, objective, and transparent procedures. The newly proposed By-law provides detail and clarity with respect to the purchase of goods and services for the City. It is the basis for training and educating staff on acceptable practices and procedures while offering the public a clear statement on how the City manages procurement.

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**ANALYSIS / OPTIONS:**

1. That By-law 2004-196, as amended, be repealed and replaced with a new Purchasing By-law.
2. Do not repeal By-law 2004-196. This option is not recommended. The *Municipal Act* requires all municipalities to establish and "maintain" a policy with respect to its procurement of goods and services. Our current By-law states the requirement for review, at a minimum, every five years.

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**RECOMMENDED OPTION / FINANCIAL IMPACTS:**

That Report to Council 2013-61 dated May 10, 2013 Re: Purchasing By-law be received and referred to the General Government Committee.


There are no financial impacts.

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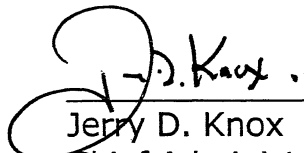
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Respectfully submitted,

*for*   
\_\_\_\_\_  
Paul Valenti  
Manager of Purchasing

We concur in this report and recommendation.

  
\_\_\_\_\_  
Margaret Karpenko, CMA  
Chief Financial Officer/Treasurer

  
\_\_\_\_\_  
Jerry D. Knox  
Chief Administrative Officer

Attachments: Proposed Purchasing By-law 2013-XX  
Current Purchasing By-law 2004-196, as amended

THE CORPORATION OF THE CITY OF NORTH BAY

PURCHASING BY-LAW 2013-XX  
(and to Repeal By-law No. 2004-196, as amended)

**WHEREAS** section 270 of the *Municipal Act, R.S.O. 2001*, as amended, requires all municipalities and local boards to establish and maintain a policy with respect to its procurement of Goods and Services;

**AND WHEREAS** this By-law establishes the authority and sets out the methods by which Goods and Services will be purchased and disposed of for the City;

**AND WHEREAS** the City will acquire Goods and Services in a manner that complies with this By-law and appropriate purchasing principles for the public sector, reflects a high standard of business ethics, does not favour or discriminate, is cost effective and results in Best Value for the City;

**AND WHEREAS** Council has passed General Government Committee Report No. 2013-XX on \_\_\_\_\_, \_\_\_, 2013 authorizing the Purchasing By-law.

**NOW THEREFORE, THE COUNCIL OF THE CORPORATION OF THE CITY OF NORTH BAY HEREBY ENACTS AS FOLLOWS:**

**1. GENERAL PROVISIONS**

1.1 The purpose of this By-law is to:

- a) ensure the City conducts fair, objective, transparent and consistent purchasing practices;
- b) maintain the integrity of the procurement process by ensuring that, whenever possible, competitive methods of procurement will be utilized to obtain Best Value for the City;
- c) clearly define the circumstances which allow for non-competitive procurement;
- d) ensure that the procurement process is conducted in a manner that enables departments of the City to operate efficiently and effectively;
- e) protect the interests of the City, public and persons participating in the procurement process by providing a clear statement of how Goods and Services will be acquired;
- f) clearly define the roles and responsibilities of those involved in the procurement process; and
- g) outline the process for disposing of Surplus Goods.

**2. DEFINITIONS OF THIS BY-LAW**

2.1 In this By-law:

- a) **“Agreement to Bond”** means an insurance agreement by which a third party (a surety) guarantees that if a Contract is awarded to the Bidder, the Bidder is capable of furnishing Bonds as required;
- b) **“Best Value”** means the optimal value balance of cost and performance of Goods or Services having consideration for quality, timing, efficiency and lifecycle costs;
- c) **“Bid”** means an offer or submission from a Bidder or Proponent in response to a Bid Request;
- d) **“Bid Bond”** means an insurance agreement, accompanied by a monetary commitment, by which a third party (a surety) accepts liability and guarantees the Bidder will not withdraw the Bid. The Bidder will furnish Bonds as required, and if the Contract is awarded to the Bidder, the Bidder will accept the Contract as Bid, or else the surety will pay a specific amount;
- e) **“Bid Irregularity”** means a deviation from the requirements of a Bid Request, as set out in Schedule “B” of this By-law;
- f) **“Bid Request”** means a solicitation by the City in a form as specified in section 6 of this By-law;
- g) **“Bidder”** means a person or entity that submits a Bid in response to a Bid Request;
- h) **“Bond”** means a form of financial protection against damages; a binding agreement

executed by a Contractor and a third party (a surety) to guarantee the performance of certain obligations or duties to the City;

- i) **“CAO”** means the Chief Administrative Officer of the City or his or her Designate;
- j) **“City”** means The Corporation of the City of North Bay;
- k) **“City Solicitor”** means the Solicitor of the City;
- l) **“Contract”** means any agreement, regardless of form or title, for the purchase of Goods or Services in return for money or other consideration;
- m) **“Contractor”** means the selected Bidder or Proponent to whom the Contract for the purchase of Goods or Services is awarded and executed under the terms and conditions of the Contract;
- n) **“Council”** means the elected Mayor and Council for the City, or the board of the local agencies, boards, or commissions;
- o) **“Designate”** means a person authorized by the CAO or respective Managing Director to act on his or her behalf, for the purpose of this By-law;
- p) **“Extraordinary Circumstance (Emergency)”** means an event or circumstance where the immediate purchase for Goods or Services is essential or necessary in preventing a risk as specified in section 8.1 of this By-law;
- q) **“Goods”** means goods of all kinds, including both tangible and intangible goods, and shall include supplies, materials, equipment, structures and fixtures to be delivered, installed and/or constructed, and licences;
- r) **“Irrevocable Bid”** means a Bid or Proposal, whereby the Bidder and the City are bound by a contractual obligation under both expressed terms of the Bid Request and implied terms based on the laws of competitive procurement. The inclusion of Bid deposit or Bid Bond in a Bid Request is the means or normal method by which the City obtains an Irrevocable Bid.
- s) **“In House Bid”** means a Bid by a City department, authorized by the CAO, submitted in response to a Bid Request, where the provision of Goods or Services will be undertaken by City staff;
- t) **“Low Value Purchase”** means a purchase of Goods or Services not covered under an existing Contract and having a purchase value up to the limit as stated in Schedule “C” of this By-law;
- u) **“Manager of Purchasing”** means the Manager of Purchasing or designate who is responsible for the City’s procurement functions and is authorized to act in such matters pertaining thereto;
- v) **“Management Staff”** means the Director, Manager, Supervisor, Coordinator, Advisor or Designate authorized by a Managing Director or the CAO, who has responsibility for a specific department of the City;
- w) **“Managing Director”** means a Managing Director, City Clerk, City Solicitor, Fire Chief, Treasurer or respective Designate authorized by the CAO, who has responsibility for a specific business unit or department of the City;
- x) **“Proponent”** means a person or entity who submits a response to an RFP;
- y) **“Proposal”** means the submission received or response to an RFP;
- z) **“Purchasing Card”** means a payment method whereby authorized City staff are empowered to purchase directly from a Supplier or Contractor using a credit card provided by the City, as issued by a bank or major credit card provider, in accordance the City’s Purchasing Card Policy;
- aa) **“Purchasing Department”** means the department of the City responsible for the purchase of Goods and Services;
- bb) **“Purchasing Review Committee”** means the committee consisting of the Manager of Purchasing and respective Managing Director(s) and other such persons as designated by the CAO or respective Managing Director that would be assembled to collectively review Bid Irregularities or other matters pertaining to a procurement process with the objective of recommending a solution or otherwise resolving an issue;
- cc) **“Purchase Order”** means the City’s written document to a Supplier or Contractor formalizing all the terms and conditions of a Contract;
- dd) **“Real Property”** means land and its permanently affixed buildings or structures;

- ee) **“Request for Expression of Interest” (“RFEOI”)** means a request which will be used to determine the interest of the market place to provide Goods or Services;
- ff) **“Request for Information” (“RFI”)** means a request which will be used to determine what Goods or Services are available that may meet business or operational requirements along with identifying acquisition strategies;
- gg) **“Request for Prequalification” (“RFPQ”)** means a request which will be used to determine qualified Bidders or Proponents that may Bid on a subsequent procurement process for Goods or Services;
- hh) **“Request for Proposal” (“RFP”)** means a request for Proposals from Proponents where the requirement cannot be expressly stated or defined and/or where a solution is requested and selection of a successful Proponent is based on criteria other than price alone;
- ii) **“Request for Quotation” (“RFQ”)** means a request for quotations from Bidders for Goods or Services, where the City has defined the requirements and a clear solution exists;
- jj) **“Request for Tender” (“RFT”)** means a request for tenders from Bidders to obtain irrevocable Bids for Goods or Services where the City has defined the requirements and a clear solution exists.
- kk) **“Services”** means services of all kinds, including, but not limited to, labour, construction, maintenance and professional and consulting services;
- ll) **“Selection Committee”** means a committee established as part of the RFP process and made up of City staff and such others as selected by the City, with a purpose to establish RFP evaluation criteria and review and evaluate Proposals;
- mm) **“Single Source”** means a procurement decision whereby purchases for Goods or Services are directed to one source, but where other sources may be available;
- nn) **“Sole Source”** means a procurement decision whereby purchases for Goods or Services are directed to the only source, as this is the only source available that meets the requirements of the City;
- oo) **“Supplier”** means the selected Bidder or Proponent to whom the Contract for the purchase of Goods or Services is awarded and executed under the terms and conditions of the Contract;
- pp) **“Surplus Goods”** means any items no longer having any use to the City or in excess of the needs of the City that have become available for transfer, sale, or disposal including, but not limited to, obsolete supplies, scrap materials, and vehicles but excluding real property; and
- qq) **“Unsolicited Bid or Proposal”** means Bid or Proposal submitted by a Supplier or Contractor in the absence of a Bid Request from the City, which may be submitted in response to a perceived need but not in response to a Bid Request.

### 3. APPLICATION

- 3.1 This By-law shall apply to staff in all departments of the City and may be adopted in principle, at their discretion, by affiliate agencies, boards and commissions of the City.
- 3.2 The acquisition of Goods or Services or disposal of Surplus Goods shall be authorized only when in compliance with this By-law.

### 4. RESPONSIBILITIES

- 4.1 **MANAGER OF PURCHASING** shall have the authority and be responsible for:

- a) overseeing all procurement activities of the City;
- b) providing advice, guidance and related services that may be required by departments for the purposes of fulfilling their procurement needs;
- c) developing, maintaining and continuously improving detailed processes, systems, templates, and practices to be used in the procurement process;
- d) providing training for department staff responsible for acquiring Goods and Services;
- e) determining the appropriate method for acquiring Goods or Services;
- f) managing formal Bid Requests including notification, receipt, opening, and compliance with stated terms and conditions;

- g) establishing project specific terms and conditions for Bid Requests and Contracts in consultation with department staff and City Solicitor;
- h) standardizing Goods and Services in collaboration with departments, when and where appropriate;
- i) disposal of Surplus Goods;
- j) reporting to Council, as required;
- k) ensuring City staff complies with this By-law and any non-compliance is reported, in writing, to the respective Management Staff, Managing Director, or the CAO; and
- l) ensuring no procurement activity or decision is contrary to this By-law.

**4.2 MANAGING DIRECTORS AND MANAGEMENT STAFF shall be responsible for:**

- a) all department procurement activity and authorization within the limits as stated in Schedule "C" of this By-law;
- b) ensuring staff involved in procurement activity receive appropriate training;
- c) ensuring sufficient funding has been authorized by Council;
- d) preparing specifications, quantity requirements and scope of work to be used in the procurement of Goods and Services;
- e) consulting with the City's Information Technology department if the procurement or part of, is comprised of computer hardware or software, an internet application, or licensing or maintenance, or will have implications for the City's existing information technology infrastructure;
- f) monitoring Contract expenditures;
- g) receipt, acceptance and authorizing payment of Goods or Services;
- h) managing Contracts and documenting performance evaluation;
- i) ensuring departmental staff comply with this By-law and any non-compliance is reported, in writing, to the Manager of Purchasing and the respective Management Staff, Managing Director or the CAO; and
- j) ensuring no procurement activity or decision is contrary to this By-law.

**4.3 CHIEF ADMINISTRATIVE OFFICER ("CAO") shall be responsible for:**

- a) all procurement activity and authorization within the limits as stated in Schedule "C" of this By-law;
- b) ensuring Managing Directors and Management Staff comply with this By-law and any non-compliance is reported, in writing, to the Manager of Purchasing; and
- c) providing additional restrictions concerning procurement activities where such actions are considered necessary and in the best interest of the City.

**5. RESTRICTIONS AND EXCEPTIONS**

- 5.1 The open and competitive procurement procedures set out in this By-law shall not apply to the purchase of those items listed in Schedule "A", or as otherwise listed in this By-law.
- 5.2 No Contract for Goods or Services may be divided into two or more parts to avoid the application of the provisions of this By-law.
- 5.3 No Contract shall be awarded to any person, company or corporation who or which has a claim, demand, action or other a legal proceeding against the City or against who the City has a claim, demand, action or other legal proceeding with respect to any previous or existing Contract, except in such circumstances as deemed necessary by the CAO.

**6. STANDARD PROCUREMENT METHODS**

- 6.1 The method of purchasing Goods and Services shall be in accordance with the standard procurement methods described in this section as recommended by the Manager of Purchasing and shall be advertised, reported, approved and the Contract executed in accordance with Schedule "C" of this By-law.

**a) REQUEST FOR EXPRESSION OF INTEREST ("RFEOI")**

- i) A RFEOI may be used to determine the interest of the market place to provide Goods or Services which the City is contemplating purchasing. The submission of an Expression of Interest may be made a specific pre-condition of any other

procurement procedure utilized by the City. A submission in response to a RFEOI does not create any contractual obligation between the City and the interested respondent.

**b) REQUEST FOR INFORMATION (“RFI”)**

- i) A RFI may be used as a general market research tool to determine what Goods and Services are available that may meet business or operational requirements along with identifying acquisition strategies. The RFI may request publicly available pricing details for the purpose of budget planning or developing a future Bid Request. A submission in response to an RFI does not create any contractual obligation between the City and the respondent.

**c) REQUEST FOR PREQUALIFICATION (“RFPQ”)**

- i) A RFPQ may be used to determine qualified Bidders or Proponents that may Bid on a subsequent Bid Request for Goods or Services undertaken by the City under any of the following circumstances:
  - a. The work is considered high risk with respect to regulations governed under the Occupational Health and Safety Act;
  - b. The value and complexity of the work is such that substantial additional costs and/or potential loss to the City are significant if the work is not performed as specified;
  - c. The Goods or Services to be provided shall meet fundamental mandatory standards or regulation of the federal, or provincial governments, or recognized City standards;
  - d. The work requires a stipulated performance and experience level;
  - e. The work requires elements of confidentiality and/or security; or
  - f. The Manager of Purchasing deems prequalification to be appropriate.
- ii) A submission in response to a RFPQ does not create any contractual obligation between the City and the respondent.
- iii) The RFPQ process will be administered by the Purchasing Department.

**d) LOW VALUE PURCHASE (“LVP”)**

- i) A LVP may be used for the procurement of Goods or Services not covered under an existing Contract and having a purchase value up to the limit as stated in Schedule “C” of this By-law.
- ii) The respective Managing Director shall authorize specific individuals to make LVP and assign a limit of spending authority.
- iii) These purchases may be made utilizing a Purchase Order, petty cash, Supplier account or City Purchasing Card.
- iv) These purchases are within the discretion of the respective Management Staff or Managing Director who shall also determine the need for competitive quotes and/or that purchases demonstrate good value for the City.
- v) LVP may be facilitated by Purchasing Department at the request of the department.

**e) REQUEST FOR QUOTATION (“RFQ”)**

- i) A RFQ is used for the procurement of Goods or Services where the City has defined the requirements, a clear solution exists, and the estimated purchase value is within the limits as stated in Schedule “C” of this By-law.
- ii) The intention is to award to the lowest compliant Bidder, although the lowest or any Bid may not necessarily be accepted.
- iii) Departments may directly request quotations for Goods or Services with a purchase

value up to the limit as stated in Schedule "C" of this By-law. Purchases in excess of this limit must be administered by the Purchasing Department.

iv) Public advertising is discretionary up to the limit as stated in Schedule "C" of this By-law.

**f) REQUEST FOR TENDER ("RFT")**

i) A RFT is used to obtain Irrevocable Bids for the procurement of Goods or Services and where the City has defined the requirements, a clear solution exists, and estimated value is within the limits as stated in Schedule "C" of this By-law.

ii) The intention is to award to the lowest compliant Bidder without negotiation (subject to section 7 of this By-law), although the lowest or any Bid may not necessarily be accepted.

iii) A RFT shall be undertaken and administered by the Purchasing Department.

iv) Notice of a RFT shall be by public advertising including the local newspaper and a nationally recognized electronic tendering service.

v) Bids in response to a RFT shall be received by the Purchasing Department. At a time specified within the Bid Request on the closing date, the Bid envelope shall be opened publicly by the Manager of Purchasing, and prior to internal review, each Bidder's name and unofficial Bid total amount shall be publicly read.

**g) REQUEST FOR PROPOSAL ("RFP")**

i) A RFP is used for obtaining competitive Proposals in situations where the requirement cannot be expressly stated or defined and/or where a solution is requested and dependent on:

- a. the effectiveness of the proposed solution based on several stated criteria as opposed to the price alone;
- b. a possibility existing where negotiation with one or more Proponents may be required with respect to any aspect of the Contract; or
- c. the precise scope of Goods or Services not known, or not definable, and it is expected that the Proponent will further define them.

ii) A Proposal Selection Committee shall determine the most qualified Proponent offering Best Value for the City using the evaluation criteria stated in the RFP.

**7. NEGOTIATION**

7.1 Negotiation may be used for the procurement of Goods or Services:

- a) where no Bids were received in a proper, publicly issued Bid Request;
- b) where only one Bid is received; it exceeds the amount budgeted for the purchase; and the Bidder is willing and prepared to enter into negotiations with the City;
- c) where instructions within a Bid Request expressly allow for negotiations to occur with the low Bidder;
- d) with the highest evaluated Proponent upon completion of the evaluation, and as a condition of award. If a negotiated settlement cannot be reached, the City may proceed to negotiate with the next highest evaluated Proponent;
- e) where an Extraordinary Circumstance (Emergency) exists;
- f) where a Sole Source or Single Source purchase is conducted; or
- g) where authorized by Council to do so.

**8. EXTRAORDINARY CIRCUMSTANCE (EMERGENCY) PURCHASES**

8.1 Notwithstanding the provisions of this By-law, an Extraordinary Circumstance (Emergency) purchase may be conducted when an event or circumstance occurs that is determined by the respective Management Staff, Managing Director, or the CAO to be a risk to:

- a) public health;
- b) essential services of the City;
- c) the welfare of persons or of public property; or
- d) the security of the City's interests and the occurrence requires the immediate delivery of Goods or Services and time does not permit for a competitive Bid Request.

8.2 An Extraordinary Circumstance (Emergency) purchase shall be authorized within the limits as stated in Schedule "C" of this By-law.

8.3 With the exception of a Low Value Purchase, the Manager of Purchasing shall approve and facilitate all Extraordinary Circumstance (Emergency) purchases. Where impractical, a follow-up purchase requisition shall be submitted to the Purchasing Department.

8.4 Where an Extraordinary Circumstance (Emergency) purchase exceeds the limits of the CAO and requires authorization of Council, the CAO shall have authority to approve such purchase and a follow-up information report to council shall be completed.

## 9. SOLE SOURCE PURCHASES

9.1 A Sole Source purchase may be conducted for Goods or Services without a competitive Bid Request:

- a) where the required Goods or Services are covered by an exclusive right such as a patent, copyright, exclusive licence or distributorship; or
- b) where a statutory or market based monopoly exists.

9.2 A Sole Source purchase shall be authorized within the limits as stated in Schedule "C" of this By-law.

9.3 With the exception of a Low Value Purchase, the Manager of Purchasing shall approve and facilitate all Sole Source purchases.

## 10. SINGLE SOURCE PURCHASES

10.1 A Single Source purchase may be conducted for Goods or Services without a competitive Bid Request where:

- a) the Goods or Services required are in short supply due to market conditions;
- b) it is necessary to ensure compatibility with previously acquired Goods and Services; and there are no reasonable alternatives, substitutes or accommodations;
- c) it is important to avoid violating warranties and guarantees of existing Goods and Services;
- d) standardization of Goods or Services is beneficial to the City with respect to operation, functionality, and service capacity; and such purchases have previously been acquired through a competitive Bid Request; and a defined timeline has been established to review such standardization;
- e) the amendment to an existing Contract would be more cost effective and beneficial to the City;
- f) where, for reasons of security or confidentiality, it is in the best interest of the City to do so;
- g) no Bidders have responded to a proper, publicly issued Bid Request;
- h) Goods are purchased for testing or trial use and there is a clearly established deadline for the testing or trial period that does not exceed 12 months;
- i) the City has a rental Contract with a purchase or rental extension option and such purchase or rental extension is beneficial to the City; or
- j) an Extraordinary Circumstance (Emergency) purchase.

10.2 A Single Source purchase shall be authorized within the limits as stated in Schedule "C" of this By-law.

10.3 With the exception of a Low Value Purchase, the Manager of Purchasing shall approve and facilitate all Single Source purchases.



## **11. UNSOLICITED BIDS**

- 11.1 An Unsolicited Bid or Proposal received by the City shall be reviewed the Manager of Purchasing. Any procurement activity resulting from the receipt of an unsolicited Bid or Proposal shall comply with the provisions of the Single Source or Sole Source requirements of this By-law.

## **12. IN-HOUSE BIDS**

- 12.1 An In-house Bid or Proposal may be obtained for the purchase of Goods or Services in circumstances, where the CAO considers it beneficial and appropriate to do so.

## **13. PURCHASING CARDS**

- 13.1 Purchasing Cards are issued to staff, where appropriate and at the discretion of Management Staff, to allow for an efficient method of acquiring Low Value Purchases.
- 13.2 The Purchasing Card is not to be used for expenditures of a personal nature.
- 13.3 Purchases made by Purchasing Card are subject to the requirements of this By-law and the Purchasing Card Policy and Procedures, as amended from time to time.

## **14. BID IRREGULARITIES**

- 14.1 Any Bid Irregularities shall be addressed in accordance with Schedule "B" of this By-law.
- 14.2 If a formal competitive Bid contains a Bid Irregularity, the Manager of Purchasing may, at his or her discretion, refer the issue to the Purchasing Review Committee to determine acceptance or rejection of the Bid.

## **15. IDENTICAL BIDS**

- 15.1 If the lowest Bid from two or more Bidders is identical in total cost or unit price, the Manager of Purchasing, in the presence of the respective Managing Director and another staff member as selected by the Manager of Purchasing, shall determine the recommended Bidder by way of a coin toss or by way of draw of a name where more than two identical Bids exist.

## **16. CONTRACT EXECUTION**

- 16.1 A Contract shall be required for the purchase of Goods or Services and executed by a written agreement or Purchase Order in accordance with limits as stated in Schedule "C" of this By-law or in situations where circumstances warrant such.

## **17. CONTINGENCY MANAGEMENT**

- 17.1 Where the expenditure limit of a Contract that required Council approval is expected to exceed the awarded amount:
- a) the respective Managing Director may approve the overage so long as the amount of the cumulative overages for the Contract is less than ten percent (10%) of the value of the Contract, and the project remains within the approved project budget;
  - b) the CAO may approve the overage so long as the amount of the cumulative overages for the Contract is less than fifteen percent (15%) of the value of the Contract, and the project remains within the approved project budget.

- 17.2 Where the expenditure limit of a Contract that required Council approval is expected to exceed the awarded amount by fifteen percent (15%) or greater, the matter will be referred to Council for consideration.

## **18. SUPPLIER/CONTRACTOR PERFORMANCE AND ABILITY**

- 18.1 The respective Management Staff shall be responsible for monitoring Supplier and Contractor performance and documenting evidence of such performance in accordance with

the City's Vendor Performance Evaluation policy, as amended from time to time.

18.2 The Purchasing Review Committee may authorize the Manager of Purchasing to reject a Bid if it is determined that:

- a) the Bidder has not complied with and/or satisfactorily performed the requirements of a previous Contract; or
- b) the Bidder does not have sufficient ability, experience, capital or plant to execute the Contract and to do so within the time stated.

## 19. COUNCIL APPROVAL

19.1 Notwithstanding any other provisions of this By-law, the award of a Contract requires approval of Council:

- a) In accordance with the limits as stated in Schedule "C" of this By-law;
- b) Where this By-law is being waived.

## 20. ACCESS TO INFORMATION

20.1 The disclosure of information received relevant to the issuance of a Bid Request or the award of Contracts shall be made available in accordance with the provisions of the City's policy under the *Municipal Freedom of Information and Protection of Privacy Act, (R.S.O. 1990, Chapter M.56)*, as amended from time to time.

## 21. DISPOSAL OF SURPLUS GOODS

21.1 A Management Staff may advise the Manager of Purchasing that items including, but not limited to, furnishings, equipment, vehicles, supplies, and other goods and materials, and excluding Real Property, have become obsolete, worn out or unusable or are surplus to the needs of their department.

21.2 The Manager of Purchasing will first offer the surplus items to other departments. Items not required by other departments and surplus to the City's needs, will be declared as Surplus Goods by the Manager of Purchasing.

21.3 The Manager of Purchasing, in conjunction with the respective Management Staff, will determine a reasonable sale value, which may include a third party appraisal. Surplus Goods having a residual value will be disposed of, as determined by the Manager of Purchasing, by way of:

- a) public auction;
- b) request for bids;
- c) trade-in at fair market value as part of the acquisition of similar items required by the City; or
- d) charitable donation to a recognized, registered organization;

21.4 Where Surplus Goods have little or no value, the Manager of Purchasing may dispose of the items directly through a recycling process or applicable waste stream.

21.5 No staff member, Councillor or local board member of the City shall personally obtain any Surplus Goods unless it is obtained through a public process.

## 22. LEGISLATIVE TRADE AGREEMENTS AND LOCAL PREFERENCE

22.1 All procurement activities shall be in compliance with all legislated national and international trade agreements (e.g. *Agreement on Internal Trade* and the *Ontario-Quebec Trade and Cooperation Agreement*).

22.2 The *Discriminatory Business Practices Act (R.S.O 1990, Chapter D.12)*, as amended and the *Agreement on Internal Trade* prohibit local preference in acquiring Goods and Services.

**23. SHORT TITLE**

23.1 The short title of this By-law shall be the "Purchasing By-law".

**24. SCHEDULES**

24.1 That Schedules "A", "B", and "C" to this By-law form an integral part of this By-law.

**25. REVIEW**

25.1 This By-law shall be reviewed by Council every five years and at such time major revisions are made.

25.2 This By-law comes into effect upon being passed.

25.3 By-law No. 2004-196, as amended, is hereby repealed.

READ A FIRST TIME IN OPEN COUNCIL THIS

READ A SECOND TIME IN OPEN COUNCIL THIS

READ A THIRD TIME IN OPEN COUNCIL AND ENACTED AND PASSED THIS

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CITY CLERK

**THIS IS  
SCHEDULE "A"  
TO THE CORPORATION OF THE CITY OF NORTH BAY'S BY-LAW NO. 2013-XX**

**EXEMPT PURCHASES**

The methods of procurement described in this By-law do not apply to the following items:

1. Training and Education
  - a. Conferences
  - b. Magazines, books and periodicals
  - c. Memberships and Professional Insurance
  
2. Refundable Employees Expenses
  - a. Advances
  - b. Meal allowances
  - c. Travel & Accommodations
  
3. Employer's General Expenses
  - a. Payroll deductions remittances
  - b. Medical
  - c. Licenses (vehicles, firearms, elevators, etc.)
  - d. Debenture payments
  - e. Grants to agencies
  - f. Damage claims
  - g. Petty cash replenishment
  - h. Tax remittances
  
4. Professional and Special Services
  - a. Committee fees
  - b. Legal fees and other professional services related to litigation or legal matters
  - c. Appraisal fees
  - d. Honorariums
  
5. Utilities
  - a. Water and Sewer
  - b. Hydro
  - c. Natural Gas
  - d. Telephone (excluding cellular)
  - e. Cable Television
  
6. Lease, sale or purchase of Real Property
  
7. Advertising
  
8. Entertainers for special events

**THIS IS  
SCHEDULE "B"  
TO THE CORPORATION OF THE CITY OF NORTH BAY'S BY-LAW NO. 2013-XX**

**BID IRREGULARITIES**

	IRREGULARITY	RESPONSE
<b>GENERAL</b>		
1	Late submission.	Rejection. Returned unopened. Opened and returned only when the submitter's name is not clearly identified on the package.
2	Unsealed Envelope/Package.	Rejection.
3	Submitter has not been previously qualified under a pre-qualification process.	Rejection.
4	Failure to have a representative in attendance and registered at a mandatory site meeting.	Rejection.
5	Failure to include the applicable form of Tender, Quotation, Proposal, or Prequalification with submission.	Rejection.
6	Incomplete or partial price details where all items are mandatory to be bid.	Rejection.
7	Forms that compose the submission documents are not completed in their entirety.	Rejection unless in the opinion of the Manager of Purchasing, the missing information is minor in nature.
8	Conditional Bids (Bids qualified, based on a Bidder's condition or restricted by an appended statement).	Rejection unless in the opinion of the Manager of Purchasing, the missing information is minor in nature.
9	More than one submission from the same submitter and not identified as an alternative or optional submission, and no withdrawal notice has been received.	The submission package bearing the most recent date/time stamp will be considered with the later submission considered to be withdrawn, and returned to the submitter.
10	Bids containing minor, obvious clerical errors that do not result in any ambiguity with respect to the overall submission.	Two business days to correct and initial.
11	Un-initialled changes to the submission.	Two business days to correct and initial. The City reserves the right to waive this requirement and accept as is.
12	Authority to bind the Corporation or signature missing.	Rejection.
13	Failure to include supplementary copies of the original at time of submission.	Two business days to submit.
14	Other minor irregularities.	The Manager of Purchasing shall have authority to waive irregularities where it considers it to be in the best interest of the City.
15	Any irregularity	Despite the provisions contained herein, Council may waive any irregularity where it considers it to be in the best interest of the City.
<b>PRICING</b>		
16	Failure to include the schedule of items and prices, price forms or price details, as may be applicable, for inclusion with submission	Rejection.
17	Unit price has been changed but not initialled and, the price extension is consistent with the unit price as amended.	Two business days to correct and initial. The City reserves the right to waive this requirement and accept as is.
18	Unit price has been changed but not initialled and, the price extension is not consistent with the unit price as amended.	Rejection.
19	Unit price extension which is not consistent with the unit prices.	The City will update the extended price based on the stated unit price.
20	Where an error has been made transferring an amount from one part of the submission to another.	The City will update with the amount shown before transfer and ensuing totals corrected accordingly.
21	Pricing appears to be unbalanced to the extent that it would have a significant adverse affect to the City if awarded.	Rejection.
<b>BID DEPOSIT</b>		
22	Bid Deposit or Bid Bond not submitted with bid	Rejection.
23	Bid Deposit or Bid Bond not in acceptable	Rejection.

	form.	
24	Bid Deposit or Bid Bond amount is insufficient.	Rejection.
25	Surety provider and/or Bidder's authorized signature missing from Bid Bond.	Rejection.
26	Effective period of Bid Bond is less than the irrevocable period stipulated in the bid document.	Rejection.
<b>AGREEMENT TO BOND</b>		
27	Agreement to Bond not submitted with Bid	Rejection.
28	Agreement to Bond not provided in acceptable form.	Rejection
29	Agreement to Bond amount is insufficient.	Rejection.
30	Surety provider and/or Bidder's authorized signature missing from Agreement to Bond	Rejection.
<b>STATUTORY DECLARATION</b>		
31	Statutory Declaration not submitted with Bid	Two business days to submit.
32	Statutory Declaration not in the form specified.	Two business days to submit.
33	Commissioner/Notary Public and/or Bidder's authorized signature missing from Statutory Declaration.	Two business days to submit.
<b>POST AWARD NOTIFICATION</b>		
34	Failure to execute required bonding or security within the prescribed timeline.	Rejection and Bid Deposit forfeiture.
35	Failure to execute a Contract within the prescribed period.	Rejection and Bid Deposit forfeiture.
36	Failure to provide supporting document, as specified within the Bid Request and with the prescribed period.	Rejection and Bid Deposit forfeiture.

**THIS IS  
SCHEDULE "C"  
TO THE CORPORATION OF THE CITY OF NORTH BAY'S BY-LAW NO. 2013-XX**

**PROCUREMENT THRESHOLDS**

<b>STANDARD PURCHASE</b>				
<b>PURCHASE THRESHOLD (excludes HST)</b>	<b>PURCHASE METHOD</b>	<b>METHOD/ADVERTISING</b>	<b>APPROVAL</b>	<b>PURCHASE CONTRACT</b>
Up to \$5,000	<ul style="list-style-type: none"> <li>▪ Low Value Purchase (LVP)</li> </ul>	<ul style="list-style-type: none"> <li>▪ Competitive quotes at the discretion of department Management Staff</li> <li>▪ Must demonstrate good value for the City</li> <li>▪ Public advertising not required</li> </ul>	<ul style="list-style-type: none"> <li>▪ Manager</li> <li>▪ Supervisor</li> <li>▪ Coordinator</li> <li>▪ Advisor</li> </ul>	<ul style="list-style-type: none"> <li>▪ Petty cash</li> <li>▪ Purchase Order (verbal or hard copy)</li> <li>▪ Purchasing Card</li> <li>▪ Supplier account</li> </ul>
Over \$5,000 up to \$25,000	<ul style="list-style-type: none"> <li>▪ Request for Quotation (RFQ)</li> <li>▪ Request for Proposal (RFP)</li> </ul>	<ul style="list-style-type: none"> <li>▪ Minimum of three written quotes obtained</li> <li>▪ Departments may directly request quotations</li> <li>▪ Public advertising is discretionary</li> </ul>	<ul style="list-style-type: none"> <li>Up to \$15,000</li> <li>▪ Director</li> <li>▪ City Clerk</li> <li>Up to \$25,000</li> <li>▪ Managing Director</li> <li>▪ City Solicitor</li> <li>▪ Fire Chief</li> <li>▪ Treasurer</li> </ul>	<ul style="list-style-type: none"> <li>▪ Purchase Order</li> <li>▪ Agreement</li> </ul>
Over \$25,000 up to \$50,000	<ul style="list-style-type: none"> <li>▪ Request for Quotation (RFQ)</li> <li>▪ Request for Proposal (RFP)</li> <li>▪ Request for Tender (RFT)</li> </ul>	<ul style="list-style-type: none"> <li>▪ Minimum of three written quotes obtained</li> <li>▪ Bid Request administered by the Purchasing Department</li> <li>▪ Public advertising at discretion of Manager of Purchasing</li> </ul>	<ul style="list-style-type: none"> <li>▪ CAO</li> </ul>	<ul style="list-style-type: none"> <li>▪ Purchase Order for Goods</li> <li>▪ Agreement for Services</li> </ul>
Over \$50,000	<ul style="list-style-type: none"> <li>▪ Request for Quotation (RFQ)</li> <li>▪ Request for Proposal (RFP)</li> <li>▪ Request for Tender (RFT)</li> </ul>	<ul style="list-style-type: none"> <li>▪ Formal Bid Request administered by the Purchasing Department</li> <li>▪ Public advertising is required</li> </ul>	<ul style="list-style-type: none"> <li>Up to \$75,000</li> <li>▪ CAO</li> <li>Over \$75,000</li> <li>▪ Council</li> </ul>	<ul style="list-style-type: none"> <li>▪ Purchase Order for Goods</li> <li>▪ Agreement for Services</li> </ul>
<b>EXTRAORDINARY CIRCUMSTANCE (EMERGENCY) PURCHASE</b>				
<ul style="list-style-type: none"> <li>▪ Requires approval in accordance with the limits stated above</li> <li>▪ Purchase exceeding \$75,000 shall be approved by the CAO followed by an information report to Council</li> <li>▪ Purchase exceeding \$5,000 shall be administered by the Purchasing Department. Where impractical, a follow-up purchase requisition shall be submitted to the Purchasing Department</li> </ul>				
<b>SINGLE SOURCE /SOLE-SOURCE PURCHASE</b>				
<ul style="list-style-type: none"> <li>▪ Requires approval in accordance with the value limits stated above</li> <li>▪ Purchase exceeding \$75,000 shall be approved by Council</li> <li>▪ Purchase exceeding \$5,000 shall be administered by the Purchasing Department</li> </ul>				

THE CORPORATION OF THE CITY OF NORTH BAY

PURCHASING BY-LAW 2004-196

Whereas section 271 of the Municipal Act of 2001 requires the municipality to update Purchasing By-law 2000-16 and its purchasing procedures according to the best practices and policies available to ensure the competitive, efficient and transparent acquisition of goods and service;

- (a) the types of procurement processes that shall be used;
- (b) the goals to be achieved by using each type of procurement;
- (c) the circumstances under which each type of procurement process shall be used;
- (d) the circumstances under which a tendering process is not required;
- (e) the circumstances under which in-house bids will be encouraged;
- (f) how the integrity of each procurement process will be maintained;
- (g) how the interests of the municipality or local board, as the case may be, the public and persons participating in a procurement process will be protected;
- (h) how and when the procurement processes will be reviewed to evaluate their effectiveness; and,
- (i) any other prescribed matter.

And whereas the City will acquire goods and services only in a manner that complies with this By-law and its Purchasing Policy and appropriate purchasing principles for the public sector, reflects a high standard of business ethics and does not favour or discriminate, and is cost effective and results in the best value for the City.

And whereas Council has passed a resolution dated November 2004, to authorize the presentation of this By-Law.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF NORTH BAY HEREBY ENACTS AS FOLLOWS:

**Part 1 DEFINITIONS**

In this By-law,

- 1.1 "Authorized delegate" means a person authorized by the Chief Administrative Officer to act in another capacity for a specific period of time or for a specific purpose or both;
- 1.2 "Business unit" includes the Office of the Chief Administrative Officer.
- 1.3 "City" means The Corporation of the City of North Bay.
- 1.4 "Designate" means a employee authorized by the Managing Director to act on his behalf for the purposes of this By-Law.
- 1.5 "Manager of Purchasing" means the Manager of Purchasing of the City of North Bay with the authority to contractually bind the City of North Bay according to the terms of this by-law.
- 1.6 "Managing Director" includes the City Engineer, and, where appropriate, the Chief Administrative Officer;
- 1.7 "Purchase Order" means a contract between the City of North Bay and a supplier to supply a specific quantity of goods or services defined by such things as time period, destination and price.



- 1.8 "Purchasing Policy" means the policy adopted by resolution of council on August 30, 1999, as amended from time to time by Council resolution.

**Part 2 PURCHASING STANDARDS**

- 2.1 The City will acquire goods and services only in a manner that complies with this Policy and appropriate purchasing principles for the public sector, reflects a high standard of business ethics and does not favour or discriminate, and is cost effective and results in the best value for the City.
- 2.2 Codes of ethics endorsed by the National Institute of Governmental Purchasing, the Purchasing Management Association of Canada and the City of North Bay may be used to provide guidance.
- 2.3 Goods and services acquired by the City will comply with the City's requirements and with all standards, codes and regulations prescribed by law, to ensure maximum benefit to and to protect the health and safety of the City, its employees and the public.
- 2.4 Purchasing needs assessments and purchasing planning will consider alternatives, timing and supply strategies, and the effective and economical management of goods and services throughout their useful life.
- 2.5 In calling for tenders, proposals or quotations, the City shall incur no obligation to accept any bid, tender, proposal or quotation.
- 2.6 The City will consider relevant Provincial and Federal initiatives in the procurement plans of City purchases.

**Part 3 RESPONSIBILITIES - PURCHASING DIVISION**

- 3.1 The Purchasing Division will administer, in compliance with this by-law and the Purchasing Policy, through the Manager of Purchasing, a centralized procurement function for the benefit of all City business units and of those other entities on behalf of which the City is responsible by contract or otherwise for acquiring goods and services.

**Part 4 RESPONSIBILITIES - MANAGING DIRECTORS**

- 4.1 The Managing Directors will acquire goods and services for the purposes of their business units, and for the purposes of those other entities on behalf of which the City is responsible by contract or otherwise for acquiring goods and services, through the centralized procurement function of the Purchasing Division and in compliance with this by-law.
- 4.2 In acquiring goods and services, the Managing Directors shall:
- (1) ensure that approved budgetary allowances are not exceeded without the approval, obtained in advance wherever possible, of the Chief Administrative Officer or the City Council;
  - (2) provide written details with regard to vendor performance;
  - (3) monitor contract expiration dates and the progress of projects and acquisitions to ensure satisfactory completion.
  - (4) review the estimated quantities used by Purchasing in solicitations on a yearly basis.

**Part 5 PURCHASES TO \$2,000**

- 5.1 The Managing Directors are hereby authorized to purchase goods or services having a value to and including \$2,000 and may delegate that authority as required within their business units.
- 5.2 Such purchases may be made by means of a Rapid Purchase Order, Field Purchase Order, Blanket Order, Corporate Purchasing credit or debit card (or such other means as may be authorized from time to time by the Manager of Purchasing issued directly to a vendor).

**Part 6 PURCHASES - \$2,001 TO \$ 5,000**

- 6.1 The Managing Directors are hereby authorized to purchase goods or services having a value from \$2,001 to and including \$5,000, but may not delegate that authority except to an individual authorized delegate.
- 6.2 Such purchases will be made by means of a Purchase Requisition issued by a business unit, approved by the business unit's Managing Director or his authorized delegate, and forwarded to the Purchasing Division for transaction completion.
- 6.3 The method of solicitation will normally be by verbal quotes or written, by fax or a request for quotation document sent to at least three potential vendors, although the Purchasing Manager may in his discretion use another method, or fewer vendors, if circumstances warrant and to do so is not contrary to the best interests of the City.
- 6.4 Responses to the solicitation will be evaluated by the Manager of Purchasing, in consultation with the business unit, subject to oversight by the Chief Administrative Officer, and the Purchasing Division will issue the Purchase Order to the selected vendor.

**Part 7 PURCHASES - \$5,001 TO \$20,000**

- 7.1 The Managing Directors are hereby authorized to purchase goods or services through the Purchasing Department having a value from \$5,001 to and including \$20,000, but may not delegate that authority except to an individual authorized delegate.
- 7.2 The method of solicitation will normally be by request for quotation sent to at least three potential vendors, although the Manager of Purchasing may in his discretion use another method, or fewer vendors, if circumstances warrant and to do so is not contrary to the best interests of the City.
- 7.3 Responses to the solicitation will be evaluated by the Manager of Purchasing, in consultation with the business unit, subject to oversight by the Chief Administrative Officer, and the Purchasing Division will issue the Purchase Order to the selected vendor.

**Part 8 PURCHASES - \$20,001 TO \$50,000**

- 8.1 The Chief Administrative Officer is hereby authorized to purchase goods or services through the Purchasing Department having a value up to and including \$50,000 but may not delegate that authority except to an individual authorized delegate.
- 8.2 The method of solicitation will normally be by request for quotation sent to at least three potential vendors, although the Manager of Purchasing may in his discretion use another method, or fewer vendors, if circumstances warrant and to do so is not contrary to the best interests of the City.
- 8.3 Responses to the solicitation will be evaluated by the Manager of Purchasing, in consultation with the business unit, subject to oversight by the Chief Administrative Officer, and the Purchasing Division will issue the Purchase Order to the selected vendor.

**Part 9 PURCHASES OVER \$50,000**

- 9.1 Purchases over \$50,000 will be subject to the specific approval by resolution and by-law, as required, of City Council.
- 9.2 Such purchases will be made by means of a Purchase Requisition issued by a business unit, approved by the business unit's Managing Director or his authorized delegate, and forwarded to the Purchasing Division for processing.
- 9.3 The method of solicitation will normally be by public tender, although the Manager of Purchasing may in his discretion use another method, or restricted tendering, if

circumstances warrant and to do so is not contrary to the best interests of the City, in the opinion of the Chief Administrative Officer.

- 9.4 Responses to the solicitation will be evaluated by the Manager of Purchasing, in consultation with the business unit, and reported to the Chief Administrative Officer, who will recommend a vendor to the City Council, and the Purchasing Division will issue the Purchase Order to the vendor approved by City Council resolution or by-law, as required by the solicitation.

## **Part 10 PROCUREMENT PROCESS**

### **PURCHASING BY TENDER**

- 10.1 Goal – The City shall implement an effective, objective, fair, open, transparent, accountable and efficient process for obtaining competitive bids based on precisely defined requirements for which a clear or single solution exists.
- 10.2 The tender closing date and time will be set by the Manager of Purchasing. Any extension of the closing date or time will be at the discretion of the Manager of Purchasing, subject to the Purchasing Policy. No extension will be issued on the day of the most recently set closing date, or on the business day immediately preceding that day. Notice of every extension will be given by mail, courier, telephone, e-mail or facsimile to each vendor listed as receiving tender material.
- 10.3 The opening of responses to tenders will be held in public, in the presence of at least two City representatives, including a member of City Council or senior management where possible. When all the responses have been opened announced, and the information recorded, the tender summary sheet will be closed off and the City representatives present will sign the sheet. The contents of responses to tenders shall not otherwise be published prior to the award of a contract by City Council.
- 10.4 Responses to tenders will be evaluated by the Manager of Purchasing, in consultation with the business unit, and reported to the Chief Administrative Officer, who will recommend a vendor to the City Council, and the Purchasing Division will issue the Purchase Order to the vendor approved by City Council.
- 10.5 The report and recommendation will contain the tender results, budget information, additional project costs over and above the tendered price, the project manager and the recommended vendor.
- 10.6 The report and recommendation will be signed by the Manager of Purchasing (as to compliance with the City's Purchasing Policy), the Director of Financial Services (as to compliance with the approved budget) and the Managing Director or delegated project manager (as to compliance with needs).

### **PURCHASING BY PROPOSAL**

- 10.7 Goal – The City shall implement an effective, objective, fair, open, transparent, accountable and efficient process for obtaining unique proposals designed to meet broad outcomes to a complex problem or need for which there is no clear or single solution resulting in best value to the City.
- 10.8 From time to time, a requirement may exist where, in the opinion of the Manager of Purchasing, solicitation by request for proposals is appropriate, especially where the goods or services cannot easily be defined or where negotiations could result and responses to requests for proposals will be evaluated according to the Purchasing Policy. Responses to requests for proposals will be evaluated by a senior management group with the assistance of the Manager of Purchasing, or by the Manager of Purchasing in consultation with the business unit, in each case subject to oversight by the Chief Administrative Officer.
- 10.9 The evaluation will be based on a set of detailed criteria designed by the Manager of

Purchasing and the business unit, subject to oversight by the Chief Administrative Officer, that would offer best value to the City. Such criteria may include demonstrated competence, experience, professional qualifications, and the technical merits of the proposal at a fair and reasonable compensation.

- 10.10 Where the value of the goods or services exceeds \$50,000, or where City Council approval is otherwise necessary or appropriate, the result of the evaluation will be reported to the Chief Administrative Officer, who will recommend a vendor to the City Council, and the Purchasing Division will issue the Purchase Order to the vendor approved by City Council.
- 10.11 The report and recommendation will be signed by the Manager of Purchasing (as to compliance with the City's Purchasing Policy), the Director of Financial Services (as to compliance with the approved budget) and the Managing Director or delegated project manager (as to compliance with needs).
- 10.12 Where the value of the goods or services is equal to or less than \$50,000, and City Council approval is not otherwise necessary or appropriate, the result of the evaluation will be reported to the Chief Administrative Officer, and the Purchasing Division will issue the Purchase Order

#### **PURCHASING BY REQUEST FOR QUOTATION**

- 10.13 Goal - The City shall obtain competitive pricing for a one-time procurement in an expeditious and cost effective manner through phone, fax, e-mail, other similar communication method, vendor advertisements or vendor catalogues.
- 10.14 The Manager of Purchasing will prepare the solicitation document and send it to at least three potential vendors, although the Manager of Purchasing may in his discretion use another method, or fewer vendors, if circumstances warrant and to do so is not contrary to the best interests of the City.
- 10.15 Responses to the solicitation will be evaluated by the Manager of Purchasing, in consultation with the business unit, subject to oversight by the Chief Administrative Officer, and the Purchasing Division will issue the Purchase Order to the selected vendor.

#### **INFORMAL LOW VALUE PROCUREMENT**

- 10.16 Goal - The City shall obtain competitive pricing for a one-time procurement in an expeditious and cost effective manner through corporate purchasing credit cards, phone, fax, e-mail, other similar communication method, vendor advertisements or vendor catalogues.
- 10.17 When a commodity is required on a one time (non-repetitive basis). The end user of the commodity has identified a clear or single solution and precisely defines technical requirements for evaluating bids or proposals. Informal bids are sought from known suppliers. When evaluating bids from qualified bidders, price is the primary factor and is not negotiated. The award is normally a purchase order if other than corporate credit card.

#### **Part 11 NON COMPETITIVE PROCUREMENT**

Although competition is the cornerstone of the purchasing process and all purchases are to be competitive where feasible, there are circumstances where this is not possible or in the best interest of the City. In certain situations goods/services are required to be purchased without a competitive bidding process. Non competitive procurement is permitted under this By-law in the following circumstances:

- 11.1 When an unforeseeable condition of urgency exists, for emergency, protection and security concerns and the goods or services cannot be obtained in time through a competitive process.
- 11.2 When the required item is covered by an exclusive right such as a patent, copyright or exclusive licence.

- 11.3 When the purchase is already covered by a lease-purchase agreement where payments are partially or totally credited to the purchase.
- 11.4 When it is necessary to ensure compatibility with existing products or to avoid violating warranty/guarantee requirements when service is required.
- 11.5 When no bids were received in a competitive process.
- 11.6 When the required item is in short supply due to market conditions.
- 11.7 When competitive sourcing for low value procurement would be uneconomical or would not attract bids.
- 11.8 When competitive procurement may be found to be impractical for such items as meal expenses, incidental travel expenses (e.g. taxi service, phone calls), and training and education expenses.
- 11.9 When individual performer contracts are being considered for public performances, where facility rental only is not a viable option, where a business case is recommended and where Council consultation has occurred.
- 11.10 At the discretion of the Manager of Purchasing.

**Part 12 IN-HOUSE BIDS**

At the discretion of the Manager of Purchasing and with the approval of the Chief Administrative Officer the City may consider In-House Bids.

Regardless of the solicitation method shall be specified to all bidders that In-House Bids may be considered.

Regarding the disposal of assets, City of North Bay employees may bid on surplus items only if the items are being offered for public sale.

**Part 13 DEPOSITS AND SECURITIES**

- 13.1 (1) In order to enable the City to enforce execution of a contract by a bidder, either;
  - (i) a tender deposit as detailed below may be required;

Bid Value	Deposit Required
50,000 or less	\$0.00
\$50,000 to \$100,000.	\$1,000.
\$100,000 to \$250,000.	\$5,000.
\$250,000. to \$500,000.	\$10,000.
\$500,000 to \$1,000,000.	\$20,000.
\$1,000,000 and above	Bid Bond in the amount of 15%

- (ii) a bid bond issued by a licensed bonding or surety company (in a form provided or approved by the City) equal to 15% of the total tendered price (or such other amount as may be required in the tender document) may be provided in place of a tender deposit.
  - (iii) A vendor may be permitted to substitute an alternate form of security subject to the approval of any two of the Chief Administrative Officer, the City Solicitor and the Manager of Purchasing.
- (2) Every tender deposit, except those of the recommended vendor and of the second low responsive vendor or vendors, will be returned or retained according to the Purchasing Policy.
- 13.2 In order to enable the City to enforce completion of a contract by a vendor or the payment of labour and material suppliers, contract security will be required to be provided by the vendor within ten days of the acceptance of any contract, as follows, if requested in the solicitation

document:

- (1) a performance bond issued by a licensed bonding or surety company (in a form provided or approved by the City) equal to 100% of the total tendered price (or such other amount as may be required in the tender document) where the estimated value of the goods or services exceeds \$500,000, or;
- (2) a labour and materials bond issued by a licensed bonding or surety company (in a form provided or approved by the City) equal to 100% of the total tendered price (or such other amount as may be required in the tender document) where the estimated value of the goods or services exceeds \$500,000, or;
- (3) any combination of performance bond and labour and materials bond required by the tender.

13.3 A vendor may substitute an alternate form of security subject to the approval of any two of the Chief Administrative Officer, the City Solicitor and the Director of Financial Services.

**Part 14 EMERGENCY PURCHASES**

- 14.1 Where an emergency purchase has been placed by a business unit directly with a vendor without following the procedures provided in this By-law or the Purchasing Policy, as soon as possible after the event, but in no case more than two business days later, the Managing Director or his authorized delegate shall,
- (1) report the purchase with full particulars to the Chief Administrative Officer, where the purchase exceeded \$10,000 and to the Manager of Purchasing;
  - (2) forward a Requisition, to the Purchasing Division for transaction completion.

**Part 15 PURCHASE OF UTILITIES AND GOVERNMENT SERVICES**

15.1 The supply or relocation of utilities, including gas, electricity, telephone, telecommunications and government fees associated with those services or other government services, may be purchased by a business unit without a Purchase Order.

**Part 16 VENDOR PERFORMANCE**

- 16.1 Managing Directors shall complete a performance report on the performance of all vendors who complete any contract over \$20,000, and on other selected contracts, which report will be evaluated by the Manager of Purchasing, in consultation with the business unit, subject to oversight by the Chief Administrative Officer.
- 16.2 Any vendor whose evaluated performance is found to be lacking in any material respect may, at the discretion of City Council, be subject to the provisions of the Vendor Performance Policy.

**Part 17 PAYMENT**

- 17.1 Financial Services will pay for all goods and services for which a Purchase Order has been issued and which have been acknowledged as received by an appropriate authority.
- 17.2 Financial Services will pay for goods and services supplied under a contract upon receipt of a progress certificate according to the Purchasing Policy.

**Part 18 CONTINGENCY MANAGEMENT**

- 18.1 Where the expenditure limit of a contract is expected to exceed the approved amount, but the project remains within its approved budget, including contingency,
- (1) the Managing Director responsible for the project or his authorized delegate may approve the overage so long as the amount of the cumulative overages for the contract is equal to or less than 10% of the value of the contract; and
  - (2) the Chief Administrative Officer or his authorized delegate may approve the overage so long as the amount of the cumulative overages for the contract is equal to or less than

15% of the value of the contract.

- 18.2 If the amount of the cumulative overages approved for a contract is expected to exceed 15% of the value of the contract, the matter will be referred to City Council for consideration.

**Part 19 DISPOSAL OF ASSETS**

- 19.1 Where any goods are surplus, unusable, unrepairable or obsolete, the Managing Director of the business unit to which they belong will advise the Purchasing Division which will seek a user for them in another business unit or declare them as surplus and dispose of them according to the Purchasing Policy.
- 19.2 Where the goods cannot be used by any business unit, they will be declared "surplus assets", and disposed of according to the Purchasing Policy.
- 19.3 All asset disposal and proceeds distribution will be reported to the Chief Administrative Officer and or City Council.

**Part 20 INTEGRITY AND INFLUENCE**

- 20.1 No person, company, corporation or organization shall attempt in any way, either in private or in public, to influence the outcome of any City purchasing or disposal process.
- 20.2 The bid, quotation or proposal of any person, company, corporation or organization that does attempt to influence the outcome of any City purchasing or disposal process will be disqualified, and the person, company, corporation or organization may be subjected to exclusion or suspension under the Vendor Performance Policy.
- 20.3 This Part does not apply to employees of the City whose duties include evaluating or making recommendations respecting City purchases or dispositions, while they are carrying out those duties, or those of whom they must inquire in the course of a previously authorized inquiry.

**Part 21 PREFERENCE FOR LOCAL SUPPLIERS**

- 21.1 The Ontario Discriminatory Business Practices Act (R.S.O. 1990) shall be applied to prevent discrimination in Ontario on the ground of race, creed, colour, nationality, ancestry, place of origin, sex, or geographical location of persons employed or engaging in business.

**Part 22 REVIEW**

- 22.1 This BY-Law shall be reviewed by City Council every five (5) years or at such time major revisions are made.
23. This by-law comes into effect as of January 1, 2005.
24. By-law No. 2000-16, as amended, is hereby repealed.

READ A FIRST TIME IN OPEN COUNCIL THIS

READ A SECOND TIME IN OPEN COUNCIL THIS

READ A THIRD TIME IN OPEN COUNCIL AND ENACTED AND PASSED THIS

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CITY CLERK

## ITEMS REFERRED BY COUNCIL FOR A REPORT

<u>DATE</u>	<u>ITEM</u>
March 29, 2005	Backflow Prevention Program survey of all industrial, commercial and institutional buildings ( <b>due September 2005</b> ).
September 21, 2009	Review, update and consolidation of Noise By-Law ( <b>due June 30, 2010</b> ).
May 3, 2010	Track the net financial benefits created through increased assessment as a result of the Airport Industrial Community Improvement Plan sites being developed.
January 24, 2011	Comprehensive review of City owned Lake Nipissing accesses.
July 4, 2011	Comprehensive Status Report relating to BCIP ( <b>due July 2014</b> ).
July 16, 2012	Review of water and sewage rates for the dispensing facility on Patton Road ( <b>due March 2013</b> ).
July 15, 2013	Amendments to <i>Municipal Elections Act</i> .
August 26, 2013	Exotic Animals
September 16, 2013	Downtown Community Improvement Plan