

The Corporation of the City of North Bay

By-Law No. 2019-54

**Being a By-Law to Amend
Purchasing By-Law No. 2013-200**

Whereas Council passed Resolution No. 2019-186 at its Regular Meeting held on Tuesday May 7, 2019 approving changes to Purchasing By-Law 2013-200.

Now therefore be it resolved that the Council of the Corporation of the City of North Bay enact as follows:

1. That By-Law No. 2013-200 being the Purchasing By-Law be amended as follows:

Part 2 - DEFINITIONS:

That 2.1 w) be deleted and the following be inserted in lieu thereof:

"2.1 w) "Managing Director" means a Managing Director, City Clerk, City Solicitor, City Engineer, Chief Human Resources and Information Officer, Fire Chief, Chief Financial Officer\Treasurer or respective Designate authorized by the CAO, who has responsibility for a specific department of the City;

PART 6 – STANDARD PROCUREMENT METHODS:

That 6.1 f) iv) be deleted and the following be inserted in lieu thereof:

6.1 f) iv) Notice of a RFT shall be by public advertising in a nationally recognized electronic tendering service."

That 6.1 f) v) be deleted and the following be inserted in lieu thereof:

6.1 f) v) Bids in response to a RFT shall be received by the Purchasing Department. Prior to internal review, each Bidder's name and unofficial Bid total amount shall be posted publicly.

PART 23 – LEGISLATIVE TRADE AGREEMENTS AND LOCAL PREFERENCE:

That 23.1 be deleted and the following inserted in lieu thereof:

23.1 All procurement activities shall be in compliance with all legislated national and international trade agreements (e.g. Canada Free Trade Agreement (CFTA) and Canada-European Union Comprehensive Economic and Trade Agreement (CETA)."

2. That Schedule "B" to Purchasing By-Law 2013-200 is hereby deleted and the attached Schedule "B" is inserted in lieu thereof.
3. That Schedule "C" to Purchasing By-Law 2013-200 is hereby deleted and the attached Schedule "C" is inserted in lieu thereof.
4. This amending By-Law shall come into force and effect on June 4, 2019.

Read a First Time in open Council this 4th day of June, 2019.

Read a Second Time in open Council this 4th day of June, 2019.

Read a Third Time in open Council and passed this 4th day of June, 2019.

Mayor Allan McDonald

City Clerk Karen McIsaac

THIS IS SCHEDULE "B"
TO THE CORPORATION OF THE CITY OF NORTH BAY
BY-LAW NO. 2019-54

BID IRREGULARITIES
Applicable to Hard Copy and Electronic Bidding

	IRREGULARITY	RESPONSE
GENERAL		
1	Late submission.	Rejection. Returned unopened. Opened and returned only when the submitter's name is not clearly identified on the package. Electronic Bidding system shall not accept late Bid Submissions
2	Unsealed Envelope/Package.	Rejection.
3	Submitter has not been previously qualified under a prequalification 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, including a bid not submitted through Electronic Bidding system when called for.	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. Electronic Bidding shall not accept submissions where mandatory information is not completed.
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-initialised 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.

	IRREGULARITY	RESPONSE
PRICING		
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.
BID DEPOSIT		
22	Bid Deposit or Bid Bond not submitted with bid	Rejection.
23	Bid Deposit or Bid Bond not in acceptable form.	Rejection.
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.
AGREEMENT TO BOND		
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.
STATUTORY DECLARATION		
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.
POST AWARD NOTIFICATION		
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
BY-LAW NO. 2019-54**

PROCUREMENT THRESHOLDS

STANDARD PURCHASE				
PURCHASE THRESHOLD (excludes HST)	PURCHASE METHOD	METHOD/ADVERTISING	APPROVAL	PURCHASE CONTRACT
Up to \$5,000	<ul style="list-style-type: none"> ▪ Low Value Purchase (LVP) 	<ul style="list-style-type: none"> ▪ Competitive quotes at the discretion of department Management Staff ▪ Must demonstrate good value for the City ▪ Public advertising not required 	<ul style="list-style-type: none"> ▪ Manager ▪ Supervisor ▪ Coordinator ▪ Advisor 	<ul style="list-style-type: none"> ▪ Petty cash ▪ Purchase Order (verbal or hard copy) ▪ Purchasing Card ▪ Supplier account
Over \$5,000 up to \$25,000	<ul style="list-style-type: none"> ▪ Request for Quotation (RFQ) ▪ Request for Proposal (RFP) 	<ul style="list-style-type: none"> ▪ Minimum of three quotes requested ▪ Departments may directly request quotations ▪ Public advertising is discretionary 	Up to \$15,000 <ul style="list-style-type: none"> ▪ Director ▪ City Clerk Up to \$25,000 <ul style="list-style-type: none"> ▪ Managing Director ▪ City Solicitor ▪ Fire Chief ▪ Treasurer 	<ul style="list-style-type: none"> ▪ Purchase Order ▪ Agreement
Over \$25,000 up to \$50,000	<ul style="list-style-type: none"> ▪ Request for Quotation (RFQ) ▪ Request for Proposal (RFP) ▪ Request for Tender (RFT) 	<ul style="list-style-type: none"> ▪ Minimum of three quotes requested ▪ Bid Request administered by the Purchasing Department ▪ Public advertising at discretion of Manager of Purchasing 	<ul style="list-style-type: none"> ▪ CAO 	<ul style="list-style-type: none"> ▪ Purchase Order for Goods ▪ Agreement for Services
Over \$50,000	<ul style="list-style-type: none"> ▪ Request for Quotation (RFQ) ▪ Request for Proposal (RFP) ▪ Request for Tender (RFT) 	<ul style="list-style-type: none"> ▪ Formal Bid Request administered by the Purchasing Department ▪ Public advertising is required 	Up to \$75,000 <ul style="list-style-type: none"> ▪ CAO Over \$75,000 <ul style="list-style-type: none"> ▪ Council 	<ul style="list-style-type: none"> ▪ Purchase Order for Goods ▪ Agreement for Services

EXTRAORDINARY CIRCUMSTANCE (EMERGENCY) PURCHASE

- Requires approval in accordance with the limits stated above
- Purchase exceeding \$75,000 shall be approved by the CAO followed by an information report to Council
- 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

SINGLE SOURCE / SOLE SOURCE PURCHASE

- Requires approval in accordance with the value limits stated above
- Purchase exceeding \$75,000 shall be approved by Council
- Purchase exceeding \$5,000 shall be administered by the Purchasing Department