

The Corporation of the Municipality of Grey Highlands

By-law No. 2022-050

**A By-law to adopt the Procurement By-law and repeal
By-law 2004-57.**

Whereas, the Municipal Act, 2001, s.270 (1), requires Ontario municipalities to adopt a policy for the procurement of goods and services; and

Whereas, the Canadian Free Trade Agreement (CFTA), the Comprehensive Economic and Trade Agreement (CETA), the Ontario-Quebec Trade and Cooperation Agreement (OQTCA) and the Canada-United States-Mexico Agreement (CUSMA) apply to the Procurement of goods and services by the Corporation; and

Whereas, this By-law establishes the authority, policies and procedures by which goods, services and construction will be purchased and disposed of for the purpose of the Municipality.

Now Therefore the Council of the Municipality of Grey Highlands hereby enacts as follows:

1. That By-Law 2004-57 is hereby rescinded; and
2. That this by-law comes into full force and effect as of the date of passing.

Read a first, second and third time, and finally passed on June 01 2022.

The Corporation of the
Municipality of Grey Highlands

Original Signed By

Paul McQueen, Mayor

Original Signed By

Raylene Martell, Municipal Clerk

Status: Passed

Procurement By-law 2022-050

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1. Objectives

- 1.1. Promote Procurement activities and decisions which are consistent with the strategic, financial, social and environmental objectives of the Municipality;
- 1.2. Provide professional and ethical leadership through the provision of fair and transparent Procurement Processes;
- 1.3. Promote the most cost effective and efficient use of municipal funds by achieving best value for money; and
- 1.4. Maintain trust and confidence in the stewardship of public funds.
- 1.5. Carry out procurement processes and procedures in a routine manner that minimizes risk and liability to the Municipality

2. Principles

2.1. **Non-Discrimination**

The Municipality will not adopt discriminatory Procurement practices in accordance with the requirements of any applicable trade agreements.

2.2. **Transparency**

The Municipality will ensure this By-law and any Supporting Policies and Procedures are made readily accessible to the public. The principles of public procurement shall be adhered to by supporting a process that is open and fair. Contract award decisions shall be based on clear, transparent, and objective criteria that is applied free from political considerations.

2.3. **Exceptions**

- a. The Municipality may exclude a Procurement from a competitive Procurement Process in the circumstances as set out in Schedule B.

- b. Where it is known before commencement that a Procurement may not comply with this By-law in some respect, the Procurement shall not be commenced unless the Procurement has been authorized by Council.
- c. Procurements that have commenced and which subsequently are found not to comply with this By-law in some respect must be authorized as follows:
 - i. A Procurement with a value of less than \$20,000 shall not continue unless authorized by the Department Head.
 - ii. A Procurement with a value of more than \$20,000 but less than \$50,000 shall not continue unless authorized by the Department Head and Director of Finance.
 - iii. A Procurement with a value of \$50,000 or greater shall not continue unless authorized by Council.

2.4. Non-Application

The By-law does not apply to the exclusions as set out in Schedule B. Agreements regarding the purchase of goods or services where this By-law does not apply, must be approved in accordance with any applicable By-law, policy, administrative directive or standard operating procedure.

2.5. No Local Preference

- a. In the evaluation of Bids or award of Contracts, the Municipality shall not impose or consider local content or other economic benefits criteria that are designed to favour:
 - i. The goods or services of a particular Province or region, including goods and services included in a construction Contract; or
 - ii. The suppliers of a particular Province or region of such goods or services.
- b. The Municipality may accord a preference for Canadian value-added, in accordance with the applicable trade agreements and any Supporting Policies and Procedures.

2.6. Disputes Resolution

Objective and timely consideration will be given to any Bid Dispute submitted to the Municipality in accordance with any Supporting Policies and Procedures. Any such consideration shall not result in undue discrimination against a Vendor resulting in limiting the Vendor's participation in ongoing or future Procurements.

Any Bid Disputes shall be submitted to the Municipality within 20 days of the awarding of the Bid. The Municipality will review the Dispute Claim and respond to the Vendor or their agent within 30 days of receipt of the Dispute Claim.

2.7. Confidentiality

- a. Nothing in this By-law requires the Municipality to breach confidentiality obligations imposed by law or to compromise security concerns or commercially sensitive or proprietary information identified by a Vendor in its Procurement documents.
- b. Notwithstanding section 2.7 a., information collected by the Municipality is subject to the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990.

2.8. Sustainable and Ethical Procurement

- a. The Municipality supports the acquisition of goods, services and construction from Vendors who conduct their business in a sustainable and ethical manner. The Municipality acknowledges its responsibility to conduct its Procurements in a socially and environmentally responsible manner. This includes zero-tolerance of child labour or involuntary labour. Vendors are required to comply with all known legal ethical standards and adhere to the core international labour standards of the International Labour Organization that support the Universal Declaration of Human Rights.
- b. The Municipality encourages the Procurement of goods, services and construction with due regard to protect natural ecosystems and resources, and the human and built communities. Vendors may be required to supply goods, services and construction made by methods resulting in the least damage to the environment, and/or

supply goods, services and construction incorporating recycled materials where practical as specified in Procurement documents.

- c. Best practices in asset management, environmental, social and governance factors should be included in any Procurement decision.
- d. The procurement of assets shall include consideration of the total cost of ownership.

3. Council

- 3.1. Members of Council shall have no involvement in Procurements except as required for approvals under Section 2.3(c)(iii).
- 3.2. Members of Council who receive inquiries from Bidders related to any specific Procurement are required to advise the Bidder(s) to communicate with the contact person listed in the Procurement document. Members of Council should inform the Director of Finance if they have received contact from a Bidder during the Blackout Period.
- 3.3. Council members shall not contact Vendors on behalf of the Municipality relating to any specific or proposed Procurement.

4. Department Head

The Department Head is responsible for:

- a) Adhering with this By-law and Supporting Policies and Procedures with respect to the activities of their Department;
- b) Obtaining Council approval to proceed with Procurement according to the Schedules of this By-Law;
- c) Delegating appropriate authority to other employees as required;
- d) Acquisition of goods, services and construction required by the Municipality excluding real property;
- e) Disposal of assets excluding real property, and provision of supporting documentation to Finance on the disposal.
- f) Determining the appropriate Procurement Process based on the total Procurement Value in consultation with the Treasurer;
- g) Disqualification of Vendors from participating in procurements in accordance with the Supporting

- Policies and Procedures;
- h) Initiating Performance Evaluation procedures for unsatisfactory performance;
 - i) Execute Procurement documents including contracts, purchase orders and all other documents related to specific procurements within their authorization as per Schedule A.
 - j) Ensuring the Procurement has been approved by the appropriate level of authority as set out in Schedule A.
 - k) Acceptance of the next compliant Bid within their authority under Schedule A, and so on as necessary, should a Bidder fail to enter into a Contract or default on its contractual obligations.
 - l) Cancellation of any Procurement in consultation with the Treasurer
 - m) Reallocation of funds subject to the following conditions:

In order to allow purchases to proceed which exceed the approved budget, a Director shall have the authority to reallocate funds, without exceeding the aggregate budget within their control, under the following conditions and with the approval of the Treasurer, and subject to the limits in Schedule A:

Operating Budget

1. The shortfall for the purchase is less than \$10,000;
2. All changes must be one-time and shall not affect the base budget;
3. The general scope of work or service delivery method cannot be changed;
4. The funding source must be the same for all accounts affected by the reallocation.

Capital Budget

1. The shortfall cannot exceed 20% of the project budget
2. General scope of work or service delivery method cannot be changed;
3. The funding source must be the same for all accounts affected by the reallocation

All other budget overages must be approved by Council before an award is made.

5 Procurement

Unless otherwise provided in this By-law, all Procurements having a price or value within each of the dollar ranges set out in this By-law shall be purchased as set out in Schedule A and in accordance with any Supporting Policies and Procedures.

a. **No Cost Procurement**

A “no cost” Procurement is a Procurement where the Municipality will not bear any cost.

“No cost” procurements must be acquired in the same manner and using the same Procurement Process and corresponding approval requirements as procurements that have a cost to the Municipality, depending on the value of the no cost procurement.

b. **Revenue Generating Opportunities**

Municipal revenue generating opportunities should be treated in the same manner as purchases for the establishment of Revenue Generating Contracts, unless otherwise authorized by Council.

c. **Co-operative Purchasing**

The Department Head, in consultation with the Treasurer, is authorized to participate in and/or join Co-operative Purchasing arrangements with other municipalities, local boards, non-profit organizations including Local Authority Services (LAS) and other public commissions and agencies where the best interests of the Municipality will be served, provided that:

- a. The method of Procurement used by the other public body is a competitive method. The individual policies of the government agencies or public authorities administering the competitive bid are to be the accepted procedure for that particular competitive bid; and
- b. The wording, reporting and execution of Contracts resulting from the co-operative Procurement is consistent with that as set out in this By-law and any Supporting Policies and Procedures.

d. **Tied Bids**

In the case of tied Bids, after evaluation where all other criteria being equal and price is the only determining factor, the successful Bidder will be determined by a coin toss, conducted by the Department Head in accordance with any Supporting Policies and Procedures.

e. Use of Agreements

- i. Agreements shall be used for complex requirements, which may contain terms and conditions other than those of the Municipality's standard terms and conditions.
- ii. The Department Head shall determine if an agreement is required.
- iii. Agreements and associated Contracts shall be approved as to Content and form and executed in accordance with any Supporting Policies and Procedures.
- iv. All agreements must be in writing, signed and dated by all parties.

f. Communication During a Procurement

A Procurement Process begins when the procurement is advertised or solicited (start date) and ends when the Municipality signs an agreement and/or awards the Contract with a Vendor or when the Procurement Process is cancelled (end date). This is known as the "Blackout Period". Throughout the Blackout Period, all communications with Vendors involved in the process must occur formally (preferably in writing) through the contact person identified in the Procurement documents.

g. Tender Opening

Publicly issued Tenders and Proposals will be opened at a designated time. A minimum of two staff members will be in attendance, and Members of Council and the public may observe.

h. Disposal of Assets

The Department Head shall declare surplus, obsolete or non-repairable assets as surplus to the Finance Department for disposal in accordance with Supporting Policies and Procedures. Department Heads may redeploy such assets to other Departments or if no longer useful for municipal purposes, arrange for their disposal at the highest return or the reduction or avoidance of net cost from the disposition. Environmental and Asset Management factors should be taken into consideration for all disposal of assets.

i. Volatile Market Conditions

Where market conditions are such that long term price protection cannot be obtained for goods and services, the Department Head will obtain competitive prices for short term commitments until such time that reasonable price protection and firm market pricing is restored. The Department Head subject to the budget, may extend a current contract until market conditions stabilize.

6 Code of Conduct and Conflict of Interest

- a. All procurements of goods, services and construction described in this By-law are subject to the Municipality of Grey Highlands policies and applicable law
- b. The submission of all Bids must include a declaration by the Bidder that there is no actual, potential or perceived conflict of interest in that Bidder submitting a Bid in respect of that Procurement Process or where there is an actual, potential or perceived conflict of interest, the Bidder must provide details of same. Where a Bidder submits details in respect of an actual, potential or perceived conflict of interest, the Director of Finance shall review details of same and determine if the actual, potential or perceived conflict of interest serves to disqualify that Bidder from further participation in the Procurement Process.
- c. The Municipality may reject a bid submitted if the bidder, or any officer or Managing Director of the bidder is or has been engaged, either directly or indirectly through another Corporation or personally, in a legal action against the Municipality, its elected or appointed officers and employees. In determining whether or not to reject a bid under this clause, the Municipality will consider whether litigation is likely to affect the bidder's ability to work with the Municipality and representatives, and whether the Municipality's experience with the bidder indicates that the Municipality is likely to incur increased staff and legal costs in the administration of the contract if it is awarded to the bidder.
- d. The Treasurer may, in consultation with Department Heads, prohibit suppliers and contractors whose performance has been deemed unsatisfactory through a Performance Evaluation, from bidding on any future competitive bid for a period of time. Suppliers may be prohibited from bidding if they maintain officers, directors or employees who have previously been prohibited from bidding based on the results of the Performance Evaluation.

A Performance Evaluation will be initiated if, following the award of the tender through to project completion, it is deemed by staff that obligations and expected performance standards as agreed upon in the tender documents or contract, have not been met. The period of suspension shall not exceed 3 years.

- e. Staff must disclose any potential conflicts of interest as soon as they are known and shall separate themselves from the selection of vendor or evaluation committee for the procurement in question.

7 Prohibitions and Compliance

- a. All employees and elected officials of the Municipality are required to adhere to the Procurement By-law and any Supporting Policies and Procedures related to the acquisition of goods, services, and construction for the Municipality.
- b. No acquisition of goods, services, or construction or the disposal of assets shall be made where the quantity or delivery is divided or in in any other manner arranged so that the price or value of the goods and services to be acquired or disposed of is artificially reduced to circumvent the requirements of this By-law.
- c. Vendors shall not be permitted to Bid on a Procurement that they have developed the specification for, unless approved in advance by the Director of Finance.
- d. All employees and elected officials will not acquire or accumulate, either directly or indirectly, where the benefit does not accrue to the Municipality, points through loyalty programs such as Air Miles, Aeroplan, etc. when making purchases on behalf or for the Municipality.
- e. No goods, services or construction shall be requisitioned by any employee or Council Member unless:
 - i. The goods, services or construction are legitimately required for the purposes of the Municipality or any other local board or other agency on whose behalf the purchase is being undertaken;

- ii. The funds for the Procurement are available with an approved budget or the request to purchase is expressly made subject to funding approval of the Municipality or any other local board or other agency on whose behalf this is being made;
- iii. No employee or the Member of Council shall be permitted to purchase any asset to be disposed of except by successfully bidding on the same at a public auction or by sealed Bid, but in no case if the duties of that employee or the Mayor or Councillor include making decisions regarding the disposal of such assets or activities relating to the conduct of the disposal process unless specifically provided by another resolution of Council;
- iv. No employee or the Member of Council shall knowingly cause or permit anything to be done or communicated to anyone which is likely to cause any potential Bidder to have an unfair advantage or disadvantage in obtaining a Contract with the Municipality, or any other municipality, local board or public body involved in the Procurement; and
- v. No employee or the Mayor or Councillor shall knowingly cause or permit anything to be done which will jeopardize the legal validity or fairness of any Procurement under this By-law which is likely to subject the Municipality to any claim, demand, action or proceeding as a result of such act or omission.

8 Discriminatory Practices

Discriminatory Procurement practices which are not allowed under this By-law include:

- 1. The biasing of specifications in favour of, or against, a particular good or service for the purpose of circumventing this By-law;
- 2. The timing of Bid opening and closing dates for the purpose of preventing one or more qualified Vendors from submitting Bids;
- 3. The specification of quantities and delivery schedules of a scale and frequency that may reasonably be judged as deliberately designed to prevent qualified Vendors from meeting the requirements of the procurement;

4. The division of required quantities in a manner designed to circumvent this By-law;
5. The giving of preference to selected Bids after Bids have been submitted and without any mention of the intended preference in the Procurement documents; the procurement documents must include the criteria by which the proposal shall be evaluated;
6. The use of price discounts or preferential margins to favour Vendors by geographical region;
7. The unjustifiable exclusion of a qualified Vendor from bidding.

9 Administrative Procedures

- a. In the event of any conflict between this By-law and any applicable legislation or trade agreement to which the Municipality is bound, the more restrictive provision shall apply.
- b. If a court of competent jurisdiction declares any provision, or any part of a provision, of this By-law to be invalid, or to be of no force and effect, it is the intention of Council in enacting this By-law, that each and every other provision of this By-law authorized by law, be applied and enforced in accordance with its terms to the extent possible according to law.
- c. The Treasurer is responsible for the administration of this By-law and is authorized to recommend changes to this By-law, and where permitted by law to do so, may create, amend and delete Supporting Policies and Procedures.

10 Force and Effect

- a. That By-law 2004-57 of the Corporation of the Municipality of Grey Highlands is hereby repealed.
- b. That this By-law shall come into full force and effect on the date of final passage hereof at which time all By-laws and/or resolutions that are inconsistent with the provisions of this By-law and the same are

hereby repealed or rescinded insofar as it is necessary to give effect to the provisions of this By-law.

- c. That Schedules A through Schedule E annexed hereto is hereby declared to form part of this By-law.

Read a first, second and third time, and finally passed on _____.

The Municipality of Grey Highlands

Paul McQueen, Mayor

Raylene Martell, Municipal Clerk

Schedule A – Award Authority

Dollar Value (excluding taxes)	Procurement Process	Authority
≤\$20,000	Direct Purchase	Department Head or designate
>\$20,000 to <\$50,000	Invitational Request for Proposal Invitational Request for Quotation Limited Tendering	Department Head
≥\$50,000	Public Request for Proposal Public Request for Tender Limited Tendering	Council
≤ \$50,000	Emergency Purchase	Director of Finance or CAO and Department Head
Any Dollar Value	Disposal of Assets	Department Head

This should be read in conjunction with the Delegation of Authority By-law.

Schedule B – Exemptions

The following circumstances do not require a competitive procurement process, as per section 2.4 of this By-law.

- a. Public employment contracts or group benefits;
- b. Any forms of assistance, such as grants, loans, equity infusions, guarantees, memorandums of understanding, and fiscal incentives;
- c. Acquisitions or rental of land, existing buildings, or other immovable property, or the rights thereon;
- d. Banking, investment, auditing, and financial management services;
- e. Services related to the sale, redemption, and distribution of public debt, including loans and government bonds, notes, and other securities
- f. Legal services
- g. Services of expert witnesses or factual witnesses used in court or legal proceedings;
- h. Insurance services;
- i. Software;
- j. Provided only by the following licensed professionals: medical doctors, dentists, nurses, pharmacists, veterinarians, lawyers;
- k. Engineering for routine, operational works;
- l. Police services;
- m. Entertainment, cultural or artistic services;
- n. Subscriptions to newspapers, magazines or other periodicals;
- o. Memberships in professional and business-related associations;

- p. For training and education including conferences, seminars, courses, conventions, workshops, staff training and staff development;
- q. Postage;
- r. Advertising;
- s. Telephone and internet
- t. Procurement between government bodies;

Schedule C – Definitions

For the purposes of this By-law, the following terms shall have the following meanings:

“Bid” means an offer to supply goods, services or construction in a Procurement Process;

“Bidder” means any proponent, respondent or other person or entity who has obtained official Procurement documents for the purpose of submitting or who has submitted a Bid in response to a Procurement Process;

“Blackout period” means the time when vendors or potential vendors must conduct all communications about the procurement only with the contact person named in the procurement document. The blackout period starts from the time the solicitation or bidding documents are issued through to the time of the formal acceptance of a bid.

“Buying Group” means a group of two or more members which combines the Purchasing requirements and activities of the members of the group into one joint Procurement Process;

“Compliant Bid” means a Bid that in accordance with this By-law and the Municipality’s policies and procedures:

- has been found to have met specific mandatory requirements;
- does not give rise to any conflicts of interest;
- has not been submitted by a Vendor ineligible to Bid; and
- has not been disqualified and rejected.

“Confidential Information” means any and all information and materials, which:

- are designated as confidential at the time of disclosure (in a manner reflecting the manner in which they are disclosed); or
- a reasonable person, having regard to the circumstances, would regard as confidential (including Personal Information). “Personal Information” means any personal information which is required to be protected pursuant to MFIPPA or any laws (including regulations and common law) pertaining to the protection of personal, healthcare or insurance information.

“Contract” means a formal legal agreement between two or more parties with binding legal and moral implications whereby goods and/or services are exchanged for money or other consideration;

"Contract Extension" means an amendment increasing the value, changing the scope of work or extending the term, where the terms of the Contract do not include the option for such amendment;

"Co-operative Purchasing" means a competitive Procurement Process that is conducted by one public body or Buying Group on behalf of one or more public bodies in order to obtain the benefits of volume purchases and administrative efficiencies;

"Council" means the Council of The Corporation of the Municipality of Grey Highlands;

"Department" means an operational division of the municipality with a Department Head.

"Department Head" means the individual accountable for departmental operations, or their designate, and includes an acting Department Head who has all the authority and responsibility of the Department Head for the duration of the acting designation and delegated authority as set out in the Delegation of Authority By-law;

"Direct Purchase" means the purchase of goods, services or construction with a Total Procurement Value not exceeding amounts specified in Schedule B. The applicable Director may delegate approval authority to their staff for direct purchases. Obtaining competitive quotes is considered a good business practice and should be obtained and documented. An RFQ, RFT, or RFP is not required.

"Disposal" means the sale, exchange, transfer, destruction or donation of assets in accordance with any Supporting Policies and Procedures;

"Emergency" means an unforeseeable, serious emergency situation where the immediate purchase of goods, services or construction is essential in order to maintain a required service or to prevent danger to life, health or property within the Municipality of Grey Highlands;

"Emergency Purchase" means a Procurement Process where the usual competitive process is suspended due to the prevailing Emergency circumstances;

"Invitational RFP or RFQ" means the procurement is not publicly issued. Potential bidders or proponents are contact directly.

"Irregular Result" means a result in a Procurement in which:

- another Procurement Process should have been conducted based on the Bid results; or
- award of a Contract to the Bidder, as a result of the Procurement Process, does not represent best value and is not in the best interest of the Municipality; or
- Council authority to commence Procurement should have been obtained as per Schedule B and Section 2.3(c)(c);

"Limited Tendering" means a Procurement Process where negotiations are entered into with one or more than one Vendor based on the conditions as set out in Schedule D to this By-law and includes Direct Negotiations as a Procurement Process where there is no competitive process; the supplier(s) of choice are contacted provided it does not use this provision for the purpose of avoiding competition.

"Municipality" means the Corporation of the Municipality of Grey Highlands;

"Procurement" means acquiring goods, services, construction or any legal or equitable right, title or interest, in goods, services, construction and includes the lease of goods, services and "purchased," "acquisition", "procure", "buy" shall have similar meanings;

"Procurement Process" means all methods of competitive and non-competitive Purchasing;

"Public RFP or RFT" means the procurement is open to the public and follows a competitive process.

"Purchase Order" means the legal document which is the Municipality's commitment to the Vendor for the purchase of goods, services or construction at an agreed upon price, terms, conditions and delivery specified on the order;

"Request for Expressions of Interest" means a tool used to determine supplier interest in a proposed procurement and may be used to gather information at the pre-project development stage to help refine the project vision or scope;

"Request for Information" means a Procurement Process to gather service or product information from Vendors;

"Request for Proposal" (or RFP) means a Procurement Process where a need is identified, but the method by which it is achieved is not prescribed at the

outset; Bidders propose solutions evaluated on technical and financial criteria;

"Request for Quotation" (or RFQ) means an invitational Procurement Process where prices on specific goods, services or construction are requested from selected Bidders;

"Request for Tender" (or RFT) means a public Procurement Process where prices on specific goods, services or construction are requested; a sealed bid which contains an offer in writing to execute some specified services, or to supply certain specified goods, at a certain price, in response to a publicly advertised request for bids.

"Revenue Generating Contracts" means a legal agreement between the Municipality and a third party that yields a financial return or benefit for the Municipality. Revenue Generating Contracts include, but are not limited to:

- (a) service revenue contracts; and
- (b) profit sharing contracts; and
- (c) mixed revenue contracts; and
- (d) advertising contracts; and
- (e) property, equipment, and infrastructure leasing contracts

"Supporting Policies and Procedures" means policies and procedures to support the objectives, principles and application of this By-law;

"Tied Bids" means two or more Compliant Bids which score equally after evaluation, or otherwise are equal, and which are the lowest or best Compliant Bids received in accordance with any Supporting Policies and Procedures;

"Total Cost of Ownership" means the consideration during the procurement process of the estimated lifetime cost of the asset to be procured. It generally consists of all initial acquisition costs, repair and maintenance costs, and disposal of the asset at end of life.

"Total Procurement Value" means the total estimated value of the Procurement over its entire duration, including all renewal options, and consideration of premiums, fees, commissions, and interest. It is exclusive of taxes;

"Vendor" means an individual or organization that may offer goods, services or construction to the Municipality.

Schedule D – Limited Tendering

A non-competitive Procurement is an exception to the competitive Procurement Process that may be undertaken where both the proposed non-competitive Procurement and the particular Vendor can be justified in good faith, based on one or more of the following:

1.
 - a. No Bids were submitted;
 - b. No Bids conforming to the essential requirements of the Procurement document were submitted;
 - c. No Bidders satisfied the conditions for participation; or
 - d. The submitted Bids were collusive.
2. If the goods or services can be supplied by only a particular Vendor and no reasonable alternative or substitute goods or services exist for the following reasons:
 - a. The protection of patents, copyrights, or other exclusive rights; or
 - b. Due to an absence of competition for technical reasons.
3. For additional goods or services from the original Vendor that were not included in the initial procurement, if a change of Vendor for such additional goods or services:
 - a. Cannot be made for economic or technical reasons; and
 - b. Would cause significant inconvenience or substantial duplication of costs for the Municipality.
4. If strictly necessary for reasons of urgency, practicality, or cost savings brought about by events unforeseeable by the Municipality;
5. For goods purchased on a commodity market;
6. If a procuring entity procures a prototype or a first good or service that is developed in the course of a Contract for research, experiment, study or original development;
7. The goods or services are purchased under circumstances which are exceptionally advantageous to the Municipality;

8. If goods or services regarding matters of a confidential or privileged nature are to be purchased and disclosure through a competitive process could reasonably be expected to compromise confidentiality, result in the waiver of privilege, cause economic disruption, or otherwise be contrary to the public interest;
9. The supply of goods and services is controlled by a Vendor that is a statutory monopoly;
10. To ensure compatibility with existing goods, or to maintain specialized goods that must be maintained by the manufacturer of those goods or its representative;
11. Work is to be performed on property by a contractor according to provisions of a warranty or guarantee held in respect of the property or the original work;
12. Work is to be performed on a leased building or related property, or portions thereof, that may be performed only by the lessor.
13. A partially completed project for which subsequent phases require Council approval may be awarded the balance of the project subject to satisfying all financial or other conditions contained herein, noting that this should be the financial advantage of the Municipality due to the fact that such a consultant/Vendor has specific knowledge of the project and has undertaken work for which duplication would be required if another firm were to be selected.
14. Where the extension or reinstatement of an existing contract or continuation with an existing vendor would be more cost effective or beneficial to the Municipality
15. Where the lowest tender or quotation meeting specifications substantially exceeds the estimated cost

Any amendments to applicable legislation or trade agreement to which the Municipality is bound which expand or limit the permitted exceptions set out in this Schedule D shall apply and this By-law shall be deemed to have been amended accordingly.

Schedule E – Bid Irregularities

The following list of irregularities should not be considered all inclusive. The Treasurer in consultation with any of the following: Department staff, CAO, Department Head shall review irregularities not specifically listed and, acting in the best interests of the Corporation, have authority to waive such irregularities, permit correction to the irregularity or reject the submission.

Number	Irregularity	Response
1.	Late Submissions.	Rejection, not opened or read publicly. Submission to be returned to submitter.
2.	Insufficient Financial Security. (No Bid bond/deposit or agreement to bond or insufficient Bid bond/deposit)	Automatic Rejection for no Bid deposit. Automatic Rejection for no agreement to bond. 48 hours to correct shortfall in Bid deposit if less than required by no more than 10%.
3.	Conditional Bids. (Bids qualified or restricted by an attached statement)	Automatic rejection unless, in the opinion of Department Head and Treasurer, the qualification or restriction is insignificant or serves the best interest of the Municipality.
4.	Illegible or obscure Bids, non-initialed erasures, non-initialed alterations.	Automatic rejection.
5.	Documents, in which all necessary Addenda which have significant financial or scope implications in the opinion of the Treasurer or Department Head, have not been acknowledged.	Automatic rejection.
6.	Documents in which all necessary Addenda which do not have significant financial or scope implications in the opinion of the Department Head and user group and have not been acknowledged.	48 hours to submit.

7.	Bids received by Bidders who did not attend mandatory site visit(s).	Automatic rejection.
8.	Bids received on documents other than those provided by Grey Highlands, when specified to do so.	Automatic rejection.
9.	Failure to insert the Bidder's business name in the space(s) provided Mandatory Submission Pages.	48 hours to submit.
10.	Failure to include signature of the person authorized to bind the Bidder in the space provided on the Tender / Proposal Form.	48 hours to submit.
11.	More than one submission from the same submitter and not identified as an alternative or optional submission and no written withdrawal notice has been received.	The submission package bearing the most recent date/time stamp will be considered the intended submission and the previously date/time stamped submissions will be considered withdrawn and will be returned to sender, unopened.
12.	Bids Containing Mathematical Errors	<p>If the amount tendered for a unit price item does not agree with the extension of the estimated quantity and the tendered unit price, or if the extension has not been made, the unit price shall govern and the total price shall be corrected accordingly.</p> <p>If both the unit price and the total price are left blank, the Bid will be rejected as incomplete.</p> <p>If the unit price is left blank but a total price is shown for the item, the unit price shall be corrected according to the total provided.</p> <p>If the Tender contains an error in addition and/or subtraction in the approved tender documentation format requested (i.e. not the additional supporting documentation supplied), the error shall be corrected, and the corrected total Contract price shall govern.</p>

13.	Electronic bidding platform error	Errors (confusion with unit of measure) will be clarified and may be corrected.
14.	Other minor irregularities	The Treasurer, in conjunction with the Department Head shall have authority to waive irregularities, which they jointly consider to be minor.
15.	Any irregularity	Despite all provisions herein contained, the Treasurer may waive any irregularity where it considers it to be in the best interest of the Municipality.