

THE REGIONAL MUNICIPALITY OF YORK

PURCHASING BYLAW

BYLAW NO. 2014-17

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THE REGIONAL MUNICIPALITY OF YORK

BILL NO. 17

BYLAW NO. 2014-17

Purchasing Bylaw

WHEREAS section 270 (1) of the *Municipal Act, 2001* provides that a municipality shall adopt policies with respect to its procurement of goods and services;

NOW THEREFORE, the Council of The Regional Municipality of York hereby enacts as follows:

1. PURPOSES, GOALS AND OBJECTIVES

1.1 The purposes, goals, and objectives of this bylaw are:

- (a) to encourage competition among contractors;
- (b) to obtain best value in the procurement of deliverables;
- (c) to ensure fairness, objectivity, accountability and transparency in the procurement process;
- (d) to encourage environmentally responsible and sustainable procurement while maintaining fiscal prudence; and
- (e) to promote and implement procurement practices that support the principles of the *Ontarians with Disabilities Act, 2001* and the *Accessibility for Ontarians with Disabilities Act, 2005*.

2. DEFINITIONS

2.1 In this bylaw:

“**award**” means the authorization to proceed with the purchase of deliverables;

“best value” means, in relation to a purchase, that the purchase represents the optimal balance of high quality and financial terms;

“bid” means a submission received in response to a call for bids, and includes a proposal;

“Bid Review Committee” means the committee established under Section 15 of this bylaw;

“bidder” means any legal entity that submits a bid in response to a call for bids and includes a proponent;

“call for bids” means a formal request for bids and includes a request for quotations, a request for tenders and a request for proposals;

“Chief Administrative Officer” means the Chief Administrative Officer of The Regional Municipality of York;

“Commissioner” means any officer or employee of the Region who is designated as the head of a Regional department;

“construction” means construction, reconstruction, demolition, repair or renovation of a building or structure and includes site preparation, excavation, drilling, seismic investigation, soil investigation, the supply of products and materials and the supply of equipment and machinery if they are included in and incidental to the construction, and the installation and repair of fixtures to a building or structure;

“consulting and professional services” means those services requiring the skills of a professional for a specialized service and includes the services of architects, engineers, designers, surveyors, planners, accountants, auditors, management professionals, marketing professionals, software and information technology experts, financial consultants, lawyers, law firms, real estate agents and brokers, environmental planners and engineers, hydrogeologists, transportation planners and engineers, communications consultants and any other consulting services which may be required by the Region;

“contingency” means an event or circumstance that gives rise to an increase in a contract price and which could not have been reasonably anticipated at the time of contract award;

“contract” means any form of binding agreement between the Region and a contractor for the purchase of deliverables and includes a purchase order;

“contractor” means any legal entity to whom a contract is awarded and includes a vendor, supplier, service provider and consultant;

“**Council**” means the Council of The Regional Municipality of York;

“**deliverables**” means goods, services and construction;

“**Director of Supplies and Services**” means the Director of Supplies and Services of The Regional Municipality of York;

“**dollar cost methodology**” means the methodology used to determine the highest scoring bidder where two or more bids are within five (5) points of the highest overall score, by calculating the dollar cost per technical point;

“**dollar cost per technical point**” means the product of:

“X” ÷ “Y” where,

“X” means the total cost of the bid, and

“Y” means the technical score of the bid;

“**electronic bidding**” means a method of issuing a call for bids and receiving written bids by fax, email or internet;

“**emergency**” means an event or circumstance where the immediate purchase of deliverables is necessary to prevent or alleviate: (a) a serious delay in service delivery; (b) a threat to the health, safety or welfare of any person; (c) the disruption of essential services; or (d) damage to public property and includes, but is not limited to, an emergency declared under the *Emergency Management and Civil Protection Act*;

“**goods**” means personal property, including raw materials, products, supplies, equipment and other physical objects of every kind and description;

“**litigation**” means any unresolved dispute between the Region and any other party or related party adverse in interest, including third party and cross-claims, where either a legal proceeding has been commenced for an injunction, a mandatory order, a declaration or the recovery of money, or a threat of legal action has been made in writing;

“**price agreement**” means a contract between the Region and a contractor resulting from a call for bids, under which the contractor agrees to provide deliverables as and when needed by the Region, at a pre-determined price, for a pre-determined period of time, upon pre-determined terms and conditions;

“**proposal**” means a submission received in response to a request for proposals;

“**purchase order**” means a written order to a contractor setting out the terms and conditions for the purchase of deliverables;

“**quotation**” means an offer received in response to a request for quotations;

“**real property**” means land, or land and buildings, and includes fixtures attached to such land or buildings;

“**Region**” means The Regional Municipality of York;

“**Regional Chair**” means the Regional Chair of The Regional Municipality of York;

“**Regional Clerk**” means the Regional Clerk of The Regional Municipality of York;

“**Regional Solicitor**” means the Regional Solicitor of The Regional Municipality of York;

“**request for expressions of interest**” means a request made by the Region for the purpose of compiling a list of potential bidders who may be interested in providing deliverables to the Region;

“**request for pre-qualification**” means a request for the submission of information from potential bidders, including the qualifications, experience, financial capability, background and staffing of any entity who may qualify to supply deliverables to the Region;

“**request for proposals**” means a request for proposals issued under this bylaw;

“**request for quotations**” means a request for quotations issued under this bylaw;

“**request for tenders**” means a request for tenders issued under this bylaw;

“**responsive**” means that a bid has complied in all material respects with the requirements set out in the call for bids;

“**scope**” means the full extent of the deliverables to be provided by a contractor, as set out in the contract, including the term of the contract;

“**scope change**” means any change to the scope of a contract to accommodate a need not originally provided for in the contract and which may include the purchase of additional deliverables or the extension of the term of the contract and which may require an adjustment to the contract price;

“**services**” means the services to be provided under a contract and includes consulting and professional services;

“**total cost**” means the contract cost for the full term of the contract, and, in the case of a contract containing renewal provisions, the total contract cost for the initial term and all potential renewal terms, excluding the Harmonized Sales Tax, but including all other applicable, fees, charges and disbursements;

“**total revenue**” means, where revenue is payable to the Region under a contract, the total revenue payable during the full term of the contract and, in the case of a contract containing renewal provisions, the total revenue payable during the initial term and all potential renewal terms; and

“**Treasurer**” means the Commissioner of Finance and Treasurer of The Regional Municipality of York.

3. APPLICATION, RESTRICTIONS AND EXCEPTIONS

- 3.1 The purchasing procedures set out in this bylaw shall apply to the procurement of all deliverables made by or on behalf of the Region except as may be expressly exempted or restricted under this bylaw.
- 3.2 No procurement shall be made under this bylaw unless Council has provided funds for such procurement in the budget or otherwise agreed to the provision of such funds and no expenditure shall be authorized or incurred in excess of such funds.
- 3.3 Despite any other provision of this bylaw, Council may authorize any purchase or method of procurement where to do so would be in the best interests of the Region.
- 3.4 No procurement or purchase shall be arranged or made to avoid the application of this bylaw. Without limiting the generality of the foregoing, no procurement of deliverables shall be divided into two or more parts for the purpose or intent of, or with the effect of, avoiding or frustrating the application of this bylaw.
- 3.5 No personal purchases shall be made by the Region directly or indirectly for members of Council or any appointed member of a local board or commission or for any officer or employee of the Region.
- 3.6 All procurement undertaken by the Region shall be undertaken in accordance with the Region’s Code of Conduct and in accordance with the *Municipal Conflict of Interest Act*.
- 3.7 This bylaw shall not apply to the acquisition or disposal of any real property or to any lease, right or permission relating to the use or occupation of real property.

- 3.8 When the procurement of deliverables is required under any lease of real property and is provided for under the terms of such lease, including tenant improvements, equipment and fixtures, the terms of the lease shall govern to the extent of any conflict with this bylaw.
- 3.9 Where a proposed contract provides for the Region to receive revenue from a contractor, the procedures and authority limits set out in this bylaw which are applicable to the total cost of a contract shall be construed as applicable, with necessary changes, to the total revenue payable under the contract.

4. RESPONSIBILITIES AND AUTHORITIES

- 4.1 Each Commissioner shall have responsibility for the procurement of deliverables for his or her department in accordance with the terms of this bylaw.
- 4.2 The Director of Supplies and Services shall be responsible for:
- (a) providing procurement advice, in consultation with the Regional Solicitor, if required, including, but not limited to, preparing calls for bids;
 - (b) administering calls for bids and ensuring compliance with the terms and conditions of the calls for bids;
 - (c) reviewing statements of work and specifications for compliance with the terms of this bylaw, including, but not limited to, the Purposes, Goals and Objectives described in Section 1 of this bylaw;
 - (d) the development of co-operative purchasing arrangements with other levels of government, municipalities, boards, agencies, commissions, or private sector entities, as the case may be, where such arrangements are determined to be in the best interests of the Region;
 - (e) the standardization of all procurement procedures;
 - (f) the disposal of surplus assets; and
 - (g) the preparation of reports to Council when required under this bylaw.
- 4.3 Where any authority has been granted to any person under this bylaw, such authority may be exercised by that person's authorized designate. The appointment of a designate shall be subject to the approval of the Chief Administrative Officer.
- 4.4 Where any authority has been granted to any officer or employee of the Region under this bylaw, such authority may be exercised by the Chief Administrative Officer.

5. PRE-QUALIFICATION

Request for Expressions of Interest/Request for Information

- 5.1 The Director of Supplies and Services may issue a request for expressions of interest or a request for information for the purpose of determining the availability of any deliverable.
- 5.2 A request for expressions of interest or a request for information may be conducted as a pre-condition to any procurement procedure set out in this bylaw.
- 5.3 The receipt of a submission in response to a request for expressions of interest or a request for information shall not create any contractual obligation on the part of the Region. The Director of Supplies and Services is not required to proceed with any further procurement process following a request for expressions of interest or a request for information.

Request for Pre-qualification

- 5.4 The Director of Supplies and Services may issue a request for pre-qualification for the purpose of selecting qualified bidders to respond to a call for bids.
- 5.5 When a request for pre-qualification is issued, a pre-qualification document shall be provided to potential bidders setting out the criteria for pre-qualification, which may include:
 - (a) experience of similar work;
 - (b) references provided from other customers for similar work;
 - (c) verification of qualifications, licences and permits, if applicable; and
 - (d) financial capability.
- 5.6 The selection of bidders following a request for pre-qualification shall not create any contractual obligation between the Region and a pre-qualified bidder. The Director of Supplies and Services is not required to proceed with any further procurement process following a request for pre-qualification.

6. AUTHORIZATION OF PURCHASES

Purchases not exceeding \$50,000.00

- 6.1 Where the total cost of any deliverable does not exceed fifty thousand dollars (\$50,000.00), the Commissioner may authorize the purchase without issuing a call for

bids, provided that the Commissioner is satisfied that the purchase of the deliverable represents best value.

Purchases not exceeding \$100,000.00

- 6.2 Where the total cost of any deliverable exceeds fifty thousand dollars (\$50,000.00), but does not exceed one hundred thousand dollars (\$100,000.00) a request for quotations shall be issued.
- 6.3 A minimum of three (3) written quotations shall be solicited, if available.
- 6.4 The Commissioner may authorize the purchase provided that the award is made to the bidder submitting a responsive bid with the lowest total cost. The award may be made notwithstanding that fewer than three (3) quotations are received.

Purchases exceeding \$100,000.00

- 6.5 Where the total cost of any deliverable exceeds one hundred thousand dollars (\$100,000.00), either a request for tenders or a request for proposals shall be issued.
- 6.6 A request for tenders or a request for proposals shall be undertaken in compliance with the following process:
 - (a) the scope of the deliverables shall be set out in the call for bids;
 - (b) the form of the call for bids shall, to the extent possible, use standardized documentation;
 - (c) the call for bids shall be circulated and advertised in as wide and extensive a manner as will ensure the most comprehensive and most competitive response to the call for bids;
 - (d) in the case of a request for proposals, the evaluation criteria and weightings shall be established prior to the call for bids and the call for bids shall clearly specify how each of the applicable criteria will be applied in evaluating the bids and whether the dollar cost methodology will be applied;
 - (e) bids shall be publicly opened on the specified date, at the specified time;
 - (f) all bid amounts shall be recorded;
 - (g) all bids shall be fairly and completely evaluated using an open, fair and transparent process;

- (h) the evaluation of each bid shall be recorded using a standardized form of evaluation record;
- (i) the evaluation record shall be stored and shall only be destroyed in accordance with the Regional records retention bylaw; and
- (j) any informality or irregularity shall be referred to the Bid Review Committee in accordance with Section 15 of this bylaw.

Request for Tenders

6.7 A request for tenders shall be issued where the following criteria apply:

- (a) two or more sources are available to supply the deliverables;
- (b) the deliverables can be clearly specified;
- (c) the market conditions are such that bids can be submitted on a competitive pricing basis; and
- (d) it is intended that the lowest cost responsive bid shall be accepted without negotiation.

6.8 The Chief Administrative Officer may award the contract provided that the award is made to the bidder submitting the lowest cost responsive bid.

6.9 A report shall be submitted quarterly to Council to advise of the award of any contract as a result of a request for tenders.

Request for Proposals

6.10 A request for proposals shall be issued where the deliverables are not clearly specified and it is anticipated that bidders may propose a variety of alternatives to fulfill the Region's requirements.

6.11 The request for proposals shall be conducted using a two (2) envelope system: one (1) envelope for the technical proposal and one (1) envelope for the financial proposal.

6.12 The Commissioner may award the contract provided that: (i) the total cost of the contract does not exceed five hundred thousand dollars (\$500,000.00); and (ii) the award is made to the bidder submitting the highest scoring bid at the lowest total cost, or, if applicable, the lowest dollar cost per technical point.

- 6.13 The Chief Administrative Officer may award the contract provided that: (i) the total cost of the contract does not exceed two million dollars (\$2,000,000.00); and (ii) the award is made to the bidder submitting the highest scoring bid at the lowest total cost, or, if applicable, the lowest dollar cost per technical point.
- 6.14 If the total cost of the contract exceeds two million dollars (\$2,000,000.00), or if it is recommended that the award of the contract is not made to the bidder submitting the highest scoring bid at the lowest total cost, or, if applicable, the lowest cost per technical point, the award of the contract shall be subject to the approval of Council.
- 6.15 A report shall be submitted quarterly to Council to advise of the award of any contract under Section 6.12 or 6.13 of this bylaw.

Authority of Chief Administrative Officer during summer recess or suspension of Council meetings

- 6.16 Despite any other provision of this bylaw, during any period that regular Council meetings are suspended either during the summer recess or for any other reason, or during the period that the acts of Council are restricted under Section 275 of the *Municipal Act, 2001* the Chief Administrative Officer shall be authorized to award any contract.
- 6.17 A report shall be submitted to Council as soon as reasonably possible setting out the details of any contract awarded under this authority.

7. PRICE AGREEMENTS

- 7.1 A call for bids may be issued in accordance with this bylaw in order to establish price agreements for the purchase of deliverables for a specified time.
- 7.2 The Region shall have no obligation to any contractor to order any deliverable under a price agreement, unless otherwise agreed upon, in writing, pursuant to a contract between the Region and the contractor.

8. EMERGENCY PURCHASES

- 8.1 In the case of an emergency, the purchase of deliverables may be authorized without issuing a call for bids.
- 8.2 The Director of Supplies and Services shall endeavor to obtain the best value for any deliverables purchased during an emergency, using as fair and transparent a process as is feasible having regard to the particular emergency.

- 8.3 The Commissioner may authorize the purchase where the total cost does not exceed one hundred thousand dollars (\$100,000.00).
- 8.4 The Chief Administrative Officer may authorize any purchase where the total cost exceeds one hundred thousand dollars (\$100,000.00).
- 8.5 As soon as practicable upon the conclusion of the emergency, the Chief Administrative Officer shall submit a report to Council describing any expenditures made under this authority.

9. DIRECT PURCHASES

- 9.1 Deliverables may be procured without issuing a call for bids where:
- (a) the compatibility of a purchase with existing equipment, facilities or service is the paramount consideration;
 - (b) in the opinion of the Commissioner there is only one entity reasonably capable of providing the deliverables;
 - (c) the procurement relates to the relocation of non-Regional utilities associated with a Regional contract, including but not limited to, hydro-electrical, gas, cable, or telephone works;
 - (d) the procurement relates to the purchase of services where the Region provides subsidies or funding to the service provider or to the recipient under programs approved by Council; or
 - (e) the procurement relates to the purchase of services that are procured based on compliance with eligibility criteria rather than a competitive process, under programs approved by Council, and where multiple contractors may provide the same or similar services.
- 9.2 The Commissioner may award any contract under Section 9.1 of this bylaw provided that the award of any contract under Section 9.1 (a) or 9.1 (b) having a total cost exceeding one hundred thousand dollars (\$100,000.00) shall be subject to Council approval.

10. CONTINGENCIES

- 10.1 Where any purchase of deliverables has been authorized under this bylaw, the Commissioner may, upon being satisfied that a contingency has arisen, authorize expenditures that exceed the original approved contract amount, provided that any additional expenditure shall not exceed fifteen percent (15%) of the total cost of the

contract at the time of award and further provided that the additional expenditures are required to complete the deliverables set out in the original contract.

- 10.2 The Commissioner may authorize any expenditure under Section 10.1 of this bylaw, irrespective of the amount of the expenditure.

11. CHANGE IN SCOPE/ADDITIONAL DELIVERABLES

- 11.1 Where deliverables have been purchased under this bylaw, no similar or additional deliverables shall be purchased from the same contractor, whether by way of contract extension, renewal, or separate purchase, unless specifically permitted under this bylaw.

- 11.2 The Commissioner may authorize the purchase of additional deliverables under a contract, provided that the Commissioner is satisfied that a scope change necessitates the purchase of additional deliverables and:

- (a) the total cost of the additional deliverables does not exceed twenty percent (20%) of the total cost of the contract; or
- (b) the total cost of the additional deliverables is to be paid in full by a third party and security to ensure payment has been provided to the Region, to the satisfaction of the Treasurer,

failing which the purchase of the additional deliverables shall be subject to Council approval.

- 11.3 If a scope change requires the extension or renewal of a contract, any extension or renewal of a contract that would result in a total contract term in excess of five (5) years shall be subject to Council approval.

- 11.4 Any expenditure authorized under Section 11.2 of this bylaw may be made in addition to any expenditure for any contingency authorized under Section 10 of this bylaw and may be authorized by the Commissioner irrespective of the amount of the expenditure.

- 11.5 The Regional Chair and Chief Administrative Officer may jointly authorize the purchase of additional deliverables provided that:

- (a) the authorization to purchase the additional deliverables is required to prevent interruption in service delay or to avoid incurring extra costs; and
- (b) a request is submitted to the Regional Chair and Chief Administrative Officer on a form prescribed by the Treasurer.

11.6 A report shall be submitted quarterly to Council to advise of any expenditures made under this authority.

12. CO-OPERATIVE PURCHASING

12.1 The Region may participate with other government agencies or public authorities in co-operative purchasing where the Commissioner determines it is in the best interests of the Region to do so.

12.2 If the Region participates with another government agency or public authority in co-operative purchasing, the Region shall adhere to the policies of the agency calling the co-operative bid.

12.3 Any contract proposed to be entered into as a result of co-operative purchasing shall be authorized in accordance with the authority limits set out in Section 6 of this bylaw.

13. UNSOLICITED PROPOSALS

13.1 Where an unsolicited proposal is received by the Region, the Commissioner may determine if the proposal shall be evaluated in accordance with Section 9 of this bylaw.

13.2 If the Commissioner determines that the unsolicited proposal should be considered a direct purchase, the award may be made in accordance with Section 9 of this bylaw.

14. CONTRACTOR PERFORMANCE AND LITIGATION

14.1 Unless otherwise permitted by this bylaw, no bid shall be accepted from, nor shall any contract be awarded to or an extension of contract be granted to any contractor or related party, as determined in the discretion of the Regional Solicitor, or any other party with whom the Region is engaged in unresolved litigation.

14.2 A bid may be accepted from and a contract may be awarded to or the extension of a contract granted to a contractor or other party with whom the Region is engaged in unresolved litigation in the following circumstances:

- (a) where there is only one qualified contractor and the Chief Administrative Officer has approved the award;
- (b) in the case of an emergency;
- (c) where there is a legal obligation on the part of the Region to enter into the contract;

- (d) where the proposed contract is pursuant to the co-operative purchasing provisions of this bylaw or where another public agency will be party to the contract and has approved the award;
 - (e) where the Region has been named as plaintiff or as a defendant pursuant to a subrogated interest and where, in the discretion of the Regional Solicitor, an appropriate arrangement has been made to indemnify the Region;
 - (f) where the matter has been referred to alternative dispute resolution in a form or format approved by the Regional Solicitor and where an agreement has been entered into which adequately protects the Region's interests, as may be determined in the sole discretion of the Regional Solicitor; or
 - (g) where the contractor or other party is exercising rights pursuant to the *Expropriations Act*.
- 14.3 Where the amount in dispute in any unresolved litigation does not exceed one hundred thousand dollars (\$100,000.00), the Commissioner may accept the bid or award the contract, or approve the extension of the contract, provided that he or she is satisfied that it would be in the best interests of the Region, based on the consideration of factors including but not limited to the following:
- (a) the bidder's performance under previous contracts with the Region; or
 - (b) the Region's claims history with the bidder; or
 - (c) an assessment of the overall risk and total cost in entering into a contract with the bidder.
- 14.4 The Commissioner shall be responsible for monitoring the performance of contractors and documenting evidence of such performance and shall advise the Director of Supplies and Services in writing where the performance of a contractor has failed to comply with the terms of the contract or other Regional requirements.
- 14.5 The Commissioner may recommend, and upon such recommendation, the Chief Administrative Officer may prohibit, a contractor from submitting a bid in response to a call for bids where the Chief Administrative Officer is satisfied that the contractor has demonstrated unsatisfactory performance under a contract with the Region.
- 14.6 For the purpose of this Section 14, unsatisfactory performance means past performance by a contractor under a contract with the Region that is inconsistent with the expected standard of service delivery applicable in a commercial context, including, but not limited to:

- (a) consistent or significant failure to adhere to specified schedules or delivery requirements;
- (b) consistent or significant failure to follow specified contract requirements or authorized directions;
- (c) consistent or significant failure to perform the contract in accordance with generally accepted standards of good workmanship;
- (d) consistent or significant failure to adhere to legislative requirements, including but not limited to applicable statutes, regulations and bylaws; or
- (e) dishonesty or criminal actions in relation to or within the scope of a Regional contract.

14.7 A report shall be submitted to Council by the Regional Solicitor annually to advise of the disposition of any matter under this Section 14.

15. BID REVIEW COMMITTEE

15.1 The Treasurer shall establish a Bid Review Committee composed of, at a minimum, the following members of Regional staff:

- (a) the Director of Supplies and Services;
- (b) a representative of the Regional department requesting the procurement of the deliverables; and
- (c) a solicitor from Legal Services.

15.2 If a bid contains an informality or irregularity, or if there is a challenge to the call for bids process, the issue shall be referred to the Bid Review Committee to determine whether the bid complies with the submission requirements set out in the call for bids or to determine the validity of the challenge.

15.3 If the Bid Review Committee does not agree unanimously that the bid shall be accepted or rejected, the Treasurer shall submit a report to Council setting out the nature of the informality, irregularity or challenge and the proposed action to be taken.

16. REQUIREMENT FOR COUNCIL APPROVAL

- 16.1 A report shall be submitted to Council prior to authorizing an award in each of the following circumstances:
- (a) where the term of a proposed contract is for a period greater than five (5) years, or where the renewal or extension of a contract would result in an aggregate term of greater than five (5) years;
 - (b) where a request for tenders has been issued under this bylaw and the award is not proposed to be made to the bidder submitting the lowest cost responsive bid or where there is an informality or irregularity that cannot be resolved by the Bid Review Committee;
 - (c) where a request for proposals has been issued under this bylaw and the total cost of the contract exceeds two million dollars (\$2,000,000.00);
 - (d) where a request for proposals has been issued under this bylaw and it is not recommended that the award be made to the bidder submitting the highest scoring bid at the lowest total cost, or, if applicable, the lowest dollar cost per technical point;
 - (e) where the purchase is prescribed by statute to be made by Council;
 - (f) where the purchase of any deliverables is not authorized by this bylaw; and
 - (g) where otherwise specifically provided in this bylaw.

17. SURPLUS ASSETS

- 17.1 Commissioners shall submit to the Director of Supplies and Services reports of surplus assets, which have exceeded their useful or expected life or which are no longer required by the Region.
- 17.2 The Director of Supplies and Services shall have the authority to transfer such surplus assets from one department to another department, or to a local municipality, and shall have the authority to sell or dispose of such surplus assets or to exchange or trade the same for replacement assets.
- 17.3 No Council member, officer or employee of the Region shall personally obtain any items that have been declared surplus unless through a public process.
- 17.4 Where surplus assets are offered to but not required by any Regional department or local municipality, such assets shall be disposed of by means of public auction or advertised

for public tender and sold to the bidder submitting the highest priced bid, or, at the discretion of the Commissioner, where the estimated value is nominal, donated for a charitable or benevolent purpose.

- 17.5 A report shall be submitted annually to Council by the Treasurer to advise of the sale or disposition of surplus assets under this Section 17.

18. CONTRACT DOCUMENTS

- 18.1 Where the purchase of deliverables has been authorized under this bylaw, the contract may be executed by the person who authorized the award, and shall be in a form approved by the Regional Solicitor.

- 18.2 Where a contract provides for a renewal term, the Chief Administrative Officer may exercise the option to renew, provided that:

- (a) the total cost of the contract, including the renewal term, is within the purchasing authority of the Chief Administrative Officer, as set out in this bylaw;
- (b) the contract was awarded in accordance with the procedure applicable to the total cost, including any renewal term; and
- (c) the contractor has performed the contract to the satisfaction of the Chief Administrative Officer.

19. BYLAW REVIEW

- 19.1 This bylaw shall be reviewed and evaluated for effectiveness at least every three (3) years from the date of its enactment.

20. REPEAL

- 20.1 Bylaw No. 2009-41 is hereby repealed.

ENACTED AND PASSED this 20th day of February, 2014.

Denis Kelly
Regional Clerk

Bill Fisch
Regional Chair