



The Corporation of the Town of Milton

Report To: Council

From: Glen Cowan, Chief Financial Officer / Treasurer

Date: May 11, 2026

Report No: ES-025-26

Subject: Updates to the Procurement and Banking Signing Authority By-laws

Recommendation: THAT the Procurement By-law and the Banking Signing Authority By-laws on the Council meeting agenda be considered for approval.

EXECUTIVE SUMMARY

- Updates to the Town's existing Procurement By-law and Banking Signing Authority By-law have been identified and will support the successful transition to the Town's new Financial Management System.
- Procurement by-law updates include new procurement methods, updates to various thresholds related to the authority to award, language updates to improve clarity, and removal of procedural language for this policy document, amongst other updates. These changes are intended to align with the new FMS configuration, as well as to reflect changes in legislation, Provincial direction and best practices.
- Banking Signing Authority by-law updates include the discontinuation of the mechanically re-produced signature for the position of Mayor for Town-issued cheques, as well as several revisions to the list of authorized signing officers within the various categories.
- Updated by-laws have been presented within the agenda for the May 11, 2026 Council meeting, and if approved as presented, will become effective immediately.

REPORT

Background

The current Procurement By-law was approved in 2018. The by-law establishes authorities, sourcing methods, and overall structure that supports the open, fair and transparent procurement of goods, services and construction for the Town.

Background

The current Banking Signing Authority By-law was approved by Council in 2021, with amendments made in both 2022 and 2023. The by-law establishes the authorities with respect to banking, payroll and investing activities that are required in order to allow for the efficient and effective administration of the Town's financial activities.

As was outlined in report [ES-008-26](#), the Town is implementing a new Financial Management System (FMS) in 2026. The new FMS will transform processes in accounting, accounts payable/receivable and procurement, amongst others. As the Town nears the go-live date for the FMS, updates to several Town by-laws are being presented to support the successful transition to the new system.

Discussion

Procurement By-law Update

Revisions to the existing by-law are necessary to ensure alignment with the business process configuration in the Town's new FMS. At the same time, staff are presenting other updates that consider changes in legislation, best practices and other enhancement opportunities based on the Town's experience. A summary of several notable revisions is provided below, with a full copy of the updated by-law provided as Attachment 1.

- Two new procurement methods have been introduced, being a "Request for Informal Tender" as well as a "Request for Informal Proposal". These will allow opportunities to bid to be offered to an invited list of suppliers where the contract award will remain below the trade agreement thresholds. This update will allow the Town to remain responsive to updates in Provincial legislation and policy direction.
- Updates have been made to several dollar thresholds in order to support timely and efficient award, as well as to ensure consistency and alignment between the delegated authority in several award types, including:
 - The minor purchase threshold has been increased from \$25,000 to \$35,000, and a similar \$35,000 minimum threshold (in relation to staff delegated authority) has been identified for contingency increases to existing contracts;
 - Staff authority for awards from the Roster will remain at a \$500,000 total value, however more flexibility has been provided in the by-law to determine whether



Discussion

- a direct assignment or competitive process between roster firms will be utilized for awards made within the staff authorized limit;
- The staff authority to award Requests for Formal Proposals has been increased from \$100,000 to \$500,000 to better align with existing threshold for awards from the consulting roster and allow for timely initiation of the resulting work;
 - Staff authority to settle any formal claim that relates to a contract has been increased from \$250,000 to \$500,000.
- A new category, “Urgent Purchases” has been added, with a related definition. This category is meant to capture items that do not meet the criteria of an emergency purchase, but where prompt acquisition of a good, service or construction may avoid delays in project timelines, compliance with obligations, avoid additional costs, or mitigate disruption of a service. Whereas emergency purchases require an LMT member approval, urgent purchases will require CAO approval and will be reported to Council for information. This authority aligns with the existing language in section 7.2.2, which provides the CAO with a similar authority where the new item was specifically related to an increase in an existing contract. Urgent purchases allow for a similar approval process when a potential new contract award is involved.
 - Clarity has been added to the measurement of the remaining contingency available in instances where Council approval of a contract increase has occurred. The distinction between a contingency and a change in scope has also been removed, such that all contract increases will be managed through the approved contingency limit(s).
 - The Gift in Kind section of the by-law has been removed in order to allow the by-law to remain focused on procurement related activity and policy. Should the related language pertaining to donations and fundraising be determined to be required in the future, alternate corporate policies or a stand-alone policy will be considered.
 - Language regarding the Town’s obligation (or lack thereof) to award following a bid solicitation, as well as language related to the Town’s alternatives should a successful bidder fail to execute the resulting contract, has been consolidated as common language that pertains to multiple bid types.
 - Some of the procedural language from the by-law has been removed and will be managed through the Town’s standard operating procedure documentation.

Discussion

If approved by Council, changes to the Procurement By-law will be effective on the day passed.

Banking Signing Authority By-law Update

As part of the FMS implementation, a change is required such that the signature for the position of the Mayor will no longer be mechanically re-produced for each cheque issued by the corporation. Instead, the only signatures presented will be of the authorized signing officers in accordance with the by-law. As such, the updated by-law has removed language related to the mechanically re-produced signature for the position of the Mayor, as well as reference to the position of the Mayor in the authorized signing officer list.

At the same time as the change noted above, several other updates to the authorized signing officer list have been made as follows:

Banking Signing Officers - removed the Manager, Tax and Assessment and added the Senior Accounting Lead and Supervisor, Payroll.

Payroll Signing Officers - added the Senior Accounting Analyst.

These updates are intended to support appropriate depth of coverage for on-going operations with staff having the appropriate skill sets and authority, while ensuring sufficient safeguards remain in place for the Town's financial transactions. Throughout the by-law references to the Deputy Treasurer were also made to better clarify the relationship of that role to its other responsibilities.

If approved by Council, changes to the Banking Signing Authority By-law will be effective on the day passed.



Financial Impact

The establishment of a strong financial policy and by-law framework is critical to the safeguarding of the Town's assets, and the effective, efficient and economical delivery of Town services.

The update to the by-laws as outlined herein has been undertaken with existing staff resources in order to support the successful implementation of the Town's new FMS.

Respectfully submitted,

Glen Cowan
Chief Financial Officer / Treasurer

For questions, please contact:	Sharon Telfer, Manager, Procurement	Phone: Ext. 2138
	Zaneta Kowalik, Manager, Accounting and Payroll	Ext. 2122

Attachments

Attachment 1 - Draft Procurement By-law

Attachment 2 - Draft Banking Signing Authority By-law

Approved by CAO
Andrew M. Siltala
Chief Administrative Officer

Recognition of Traditional Lands

The Town of Milton resides on the Treaty Lands and Territory of the Mississaugas of the Credit First Nation. We also recognize the traditional territory of the Huron-Wendat and Haudenosaunee people. The Town of Milton shares this land and the responsibility for the water, food and resources. We stand as allies with the First Nations as stewards of these lands.

THE CORPORATION OF THE TOWN OF MILTON

BY-LAW NO. XXX-2026

BEING A BY-LAW TO ESTABLISH POLICIES FOR THE PROCUREMENT OF GOODS AND SERVICES, AND THE DISPOSAL OF SURPLUS GOODS, AND TO REPEAL BY-LAW NO. 061-2018.

WHEREAS the Council of The Corporation of the Town of Milton, recognizing its responsibility for the effective utilization of all of its resources, is desirous of codifying sound policies for the purpose of procuring goods and services in a manner that fulfils its mandate to provide effective, responsible government and efficiently deliver services to the residents and businesses of the Town of Milton;

AND WHEREAS in view of the complexity and volume of Town activities, it is recognized that external suppliers and service providers are required to ensure that the required quality and quantity of goods and services are procured in an efficient and economical manner;

AND WHEREAS paragraph 270(1)3 of the Municipal Act, 2001, S.O. 2001, c. 25 provides that a municipality shall adopt and maintain a policy with respect to its procurement of goods and services;

AND WHEREAS the Finance Division is charged with the centralized responsibility for the acquisition of goods and services and the disposal of Town assets;

AND WHEREAS the Town of Milton will follow the guidelines set out in the codes of ethics established by the Purchasing Management Association of Canada and the National Institute of Government Purchasers;

AND WHEREAS Town Council is desirous of repealing By-law No. 061-2018

NOW THEREFORE the Council of the Corporation of the Town of Milton hereby enacts as follows:

- 1. **THAT** Schedule “A” forms part of this By-law and is hereby adopted.
- 2. **THAT** By-law No. XXX shall be known as the Procurement By-law.
- 3. **THAT** By-law No. 061-2018 is hereby repealed in its entirety.
- 4. **AND THAT** this By-law shall come into effect on the day it is passed.

PASSED IN OPEN COUNCIL ON MAY 11, 2026.

_____	Mayor
Gordon A. Krantz	

_____	Town Clerk
Meaghen Reid	

SCHEDULE "A"

PROCUREMENT BY-LAW TOWN OF MILTON

Effective: May 11, 2026

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1. PURPOSE, GOALS AND OBJECTIVES

1.1. The purpose, goals and objectives of this By-law are to:

- a) establish the authority for the open, fair and transparent procurement of Goods, Services and Construction by the Town;
- b) encourage competition among Suppliers for the supply of Goods, Services and Construction;
- c) obtain the best value when procuring Goods, Services and Construction for the Town;
- d) respect local, regional, national and international trade agreement public procurement obligations, provincial legislation and applicable laws;
- e) ensure that accessibility design criteria and features shall be incorporated when procuring Goods, Services and/or Construction as required by Ontario Regulation 191/11 - Integrated Accessibility Standards, enacted pursuant to the *Accessibility for Ontarians with Disabilities Act, 2005*, S.O. 2005, c. 11 except where it is not practicable to do so.

2. DEFINITIONS

2.1. In this By-law:

- 2.1.1. "Assignment" means the total scope of work, inclusive of all phases, awarded to a Consulting and Professional Services Supplier for a specific project or program.
- 2.1.2. "Award" means the award of a contract by the Town to one or more Bidders based on the procurement solicitation evaluation criteria.
- 2.1.3. "Authority" or "Authorized" means the legal right to conduct tasks as either directed by Council or through the utilization of the delegated authorities that are approved by Council through this, or other, By-laws.
- 2.1.4. "Authorized Staff" means any Town employee that is authorized to undertake a procurement activity in accordance with this By-law, including the use of delegation of authority between staff as contemplated herein.
- 2.1.5. "Best Value" means the optimal balance of performance and cost. It may include a time horizon that reflects the overall life cycle of a Good or Service.

- 2.1.6. "Bid" means an offer or submission from a Bidder received in response to a procurement solicitation.
- 2.1.7. "Bidder" means any legal entity that submits a Bid in response to a procurement solicitation.
- 2.1.8. "Bidding System" means an online platform used by the Town to invite and receive Bids.
- 2.1.9. "Bid Irregularity" means any deviation, error or non-compliance within a submitted response to a procurement solicitation documentation
- 2.1.10. "Blackout Period" means the period of time that begins when the procurement solicitation is issued and ends at the time of Award or cancellation.
- 2.1.11. "By-law" means this Procurement By-law as set out herein.
- 2.1.12. "CAO" means any person holding the position of the Town's Chief Administrative Officer, or Designate.
- 2.1.13. "CETA" means the Canadian-European Union Comprehensive Economic and Trade Agreement, effective September 21, 2017.
- 2.1.14. "CFTA" means the Canadian Free Trade Agreement, effective July 1, 2017.
- 2.1.15. "Code of Conduct" refers to the then current By-law established by the Town with respect to the conduct of Town staff.
- 2.1.16. "Commissioner" means the head of any Town Department, or their designate.
- 2.1.17. "Compliant Bid" means a Bid which complies with the requirements set out in the procurement solicitation documentation and where the Bidder is deemed to be compliant pursuant to this By-law.
- 2.1.18. "Construction" means construction, reconstruction, demolition, repair or renovation of a building, structure, road, park, drainage feature, or any other facility, and includes 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, structure, or any of the other facilities noted herein.
- 2.1.19. "Consulting and Professional Services" means those Services requiring the skills of a professional and includes, but are not limited to, the Services

of architects, landscape architects, engineers, designers, surveyors, planners, accountants, auditors, management and marketing professionals, software and information technology experts, financial consultants, lawyers, law firms, real estate agents and brokers, environmental planners and engineers, hydro geologists, transportation planners and engineers, and communications consultants.

- 2.1.20. "Contingency" means costs that are in addition to or exceed any stipulated Contract or price agreement and which result from unforeseen or unexpected conditions or circumstances that could not have been reasonably anticipated, and which arise during the term of the Contract or price agreement.
- 2.1.21. "Contract" means any form of a legally binding agreement between two or more legal entities, awarded under this By-law (i.e. a Purchase Order, purchases via Purchasing Card, or other legal agreements).
- 2.1.22. "Contract Extension" means an extension of the term of a Contract in accordance with the existing Contract terms and conditions.
- 2.1.23. "Contract Increase" means an amount to be added to the Contract due to a required change to the Contract.
- 2.1.24. "Contract Renewal" means the process of extending an existing agreement past its original end date, often with updated terms, pricing or scope.
- 2.1.25. "Council" means the municipal council of the Town.
- 2.1.26. "Department" means any department within the organizational structure of the Town.
- 2.1.27. "Designate" means a person or persons who has been assigned or delegated the Authority to act on behalf of the person otherwise charged with the Authority to take certain actions or decisions.
- 2.1.28. "Dispute Committee" means the individuals as selected at the sole discretion of the Town and may include Town staff as well as outside consultants (example: legal counsel). Members of the Dispute Committee must not have been involved directly in the process, evaluation, or decision for which the Dispute Committee has been formed to review.
- 2.1.29. "Emergency Purchase" means an event or circumstance as determined by an LMT Member where the immediate purchase of Goods, Services or Construction is necessary to prevent or alleviate serious delay, a threat to public health, safety or welfare, the disruption of essential Services, damage to public property or the environment, significant financial loss, or situations that affect or could affect immediate supply chain of the Town.

- 2.1.30. "Goods" include, but are not limited to, any wares, products, supplies, merchandise, materials, equipment, or those goods related to Construction, but does not include land purchases, sales, and property leases.
- 2.1.31. "Internal Approval Process" means an internal Town process that summarizes the details of a procurement process for the purposes of making an Award under delegated Authority. An Internal Approval Process contains the authorizations of the required Town staff members.
- 2.1.32. "LMT Member" means the head of any Town Division who reports directly to a Commissioner or the CAO or Designate.
- 2.1.33. "Manager, Procurement" means any person holding the position of the Town's Manager, Procurement, or Designate.
- 2.1.34. "Municipal Act" means the Municipal Act, 2001, S.O. 2001, c. 25.
- 2.1.35. "Non-Competitive Procurement" means the acquisition of goods, services or construction directly from a Supplier without a formal or informal bid process.
- 2.1.36. "Non-Compliant Bid" means a Bid which fails to meet the specific requirements set out in the procurement solicitation documentation and where the Bidder is deemed to be non-compliant pursuant to this By-law.
- 2.1.37. "Procurement Business Unit" means the centralized procurement staff within the corporate structure of the Town, which is responsible for the procurement of Goods, Services and Construction pursuant to this By-law.
- 2.1.38. "Purchase Order" means a written order issued by the Town for the provision of Goods, Services and Construction, that forms an Award.
- 2.1.39. "Request for Expression of Interest" means a request made by the Town seeking responses from the marketplace for the purpose of gathering information and identifying Suppliers who may be interested in providing Goods, Services and/or Construction to the Town as part of a potential future procurement solicitation process. This process is not intended to lead to an Award and does not create any contractual obligations.
- 2.1.40. "Request for Information" means a request made by the Town seeking responses from the marketplace for the purpose of gathering information to assist with the development of a potential future procurement solicitation process. This process is not intended to lead to an Award and does not create any contractual obligations.

- 2.1.41. "Request for Pre-qualification" means a request made by the Town seeking responses from the marketplace for the purpose of screening potential Suppliers in which such factors as financial capability, qualifications and experience are evaluated in order to develop a list of qualified Bidders that are permitted to respond to future procurement solicitations for a pre-defined term or specific project.
- 2.1.42. "Request for Formal Proposal" means a publicly advertised procurement solicitation whereby the Town evaluates proposals on both technical/qualitative and cost merits, in accordance with the evaluation criteria described in the solicitation documentation, and may include negotiations. The highest ranked Compliant Bid is recommended for Award.
- 2.1.43. "Request for Formal Negotiated Proposal" means a publicly advertised non-binding procurement solicitation whereby the Town evaluates proposals on both technical/qualitative and cost merits, in accordance with the evaluation criteria described in the solicitation documentation. The Town may enter into negotiations with one or more of the highest ranked bids.
- 2.1.44. "Request for Informal Proposal" means an invitational procurement solicitation whereby the Town evaluates proposals on both technical/qualitative and cost merits, in accordance with the evaluation criteria described in the solicitation documentation. The highest ranked Compliant Bid is recommended for Award.
- 2.1.45. "Request for Informal Negotiated Proposal" means an invitational non-binding procurement solicitation whereby the Town evaluates proposals on both technical/qualitative and cost merits, in accordance with the evaluation criteria described in the solicitation documentation. The Town may enter into negotiations with one or more of the highest ranked bids.
- 2.1.46. "Request for Formal Tender" means a publicly advertised procurement solicitation that includes terms of reference, with clearly defined scope of Goods, Services and/or Construction. The lowest Compliant Bid is recommended for Award.
- 2.1.47. "Request for Informal Tender" means an invitational procurement solicitation that includes terms of reference, with clearly defined scope of Goods, Services and/or Construction. The lowest Compliant Bid is recommended for Award.
- 2.1.48. "Roster" means an approved list of Suppliers that are eligible to Bid on work Assignments related to a category of specific goods, services or construction during a designated time period for that Roster.

- 2.1.49. "Services" includes, but are not limited to, Consulting and Professional Services, repairs, inspection, training, installation, or maintenance Services, but does not include land purchases, sales, or property leases.
- 2.1.50. "Supplier" means any legal person or entity providing or interested in providing Goods, Services and/or Construction, including but not limited to suppliers, contractors, consultants and other service providers.
- 2.1.51. "Town" means The Corporation of the Town of Milton.
- 2.1.52. "Town Division" means a division of a Department at the Town.
- 2.1.53. "Town Issued Credit Card" means a Town credit card issued in accordance with the Town's Procurement & Disposal Policy that can be used by Authorized Staff of the Town to purchase Goods or Services on behalf of the Town in accordance with this By-law.
- 2.1.54. "Treasurer" means any person holding the position of the Town's Treasurer, or Designate.
- 2.1.55. "Unsolicited Proposal" is a proposal submitted to the Town on the initiative of an offering Supplier for the purpose of obtaining a Contract with the Town, and that is not in response to a procurement solicitation, broad Town announcement, or any other Town-initiated solicitation or program. Unsolicited Proposals include offers for trial of Goods or Services.
- 2.1.56. "Urgent Purchase" means a situation as determined by the LMT Member where the prompt purchase of Goods, Services and/or Construction is required. The urgency may stem from various factors, including the necessity to expedite an Award to avoid potential delays in project timelines, ensure compliance with contractual obligations, avoid additional costs to the Town, or mitigate any disruption to an existing service or Contract.

3. SCOPE AND ETHICS

- 3.1. This By-law shall apply to the procurement of Goods, Services and Construction by the Town. No expenditure, procurement, or commitment shall be incurred or made by the Town for Goods, Services and Construction except as provided in this By-law or otherwise approved by Council.
- 3.2. Council and all Town staff shall comply with this By-law and are to adhere to the following:
- 3.2.1. all individuals involved with the procurement process should act, and be seen to act, with integrity and professionalism, honesty, and care;

- 3.2.2. due diligence shall be integral to all supply chain activities within and between Broader Public Sector (BPS) organizations, Suppliers, and other stakeholders;
 - 3.2.3. respect shall be demonstrated for all participants in the procurement process and for the natural environment;
 - 3.2.4. confidential information shall be safeguarded;
 - 3.2.5. activities that may create, or may appear to create, a conflict of interest shall not be engaged in and the Town's Code of Conduct shall be adhered to;
 - 3.2.6. preferential treatment shall not be provided by the Town contrary to this By-law. The Town will on occasion accommodate requests for performance references, or may participate in initiatives (such as educational sessions) with Suppliers. In no instance should one Bidder be provided an unfair advantage over another;
 - 3.2.7. ensure that in-house Bids in competition with outside firms is not permitted;
 - 3.2.8. ensure that public sector resources are used in a responsible, economical, efficient, and effective manner; and
 - 3.2.9. ensure that procurement activities are open, accountable, transparent, and have non-discriminatory access and that those involved in procurement related activities comply with professional ethics and the laws of Canada.
- 3.3. Council and Town staff who fail to act in accordance with the provisions of this By-law will be subject to appropriate action in accordance with Town procedures, the Code of Conduct, and all applicable law.

4. RESPONSIBILITIES AND AUTHORITY

4.1. Council

- 4.1.1. Council hereby delegate purchasing authority as set out in this By-law or as otherwise delegated by Council. Except as otherwise provided, no member of Council, no committee established by Council, and no Town staff shall enter into any Contract on behalf of the Town without express authority from Council or as otherwise permitted under this By-law. Contracts entered into without authorization shall be unenforceable and non-binding on the Town.

- 4.1.2. Council may approve the budgets associated with the delivery of Town projects and programs. The availability of sufficient funding from a budget approved by Council or through authority delegated by Council is required for all purchases outlined in this By-law, except for purchases as otherwise permitted under this By-law.
- 4.1.3. Unless express Authority is provided by Council, the Town shall not purchase Goods, Services or Construction from any Town staff or member of Council.

4.2. Chief Administrative Officer (CAO)

- 4.2.1. Despite any other provisions of this By-law, during any period that regular Council meetings are suspended either during the summer period or for any other reason, or during the period that the acts of Council are restricted under Section 275 of the Municipal Act, the CAO shall be authorized to Award any Contract through an Internal Approval Process so long as the value of the Contract can be accommodated within the approved budget for that project.

4.3. Treasurer

- 4.3.1. The Treasurer shall oversee the operation of a centralized procurement business unit on behalf of the Town in accordance with the requirements of this By-law and any corresponding financial policies.
- 4.3.2. The Treasurer acts as a signing Authority within the prescribed limits provided for in this By-law.
- 4.3.3. The signature of the Treasurer is required for all Internal Approval Processes where there is an unfavourable budget variance, a request to add provisional items, and/or to have any favourable variances remain in the project.

4.4. LMT Members

- 4.4.1. LMT Members shall authorize all Internal Approval Processes with a value greater than \$35,000 for their Town Division, concurring with the Award recommendation and stated budget, as outlined in this By-law.
- 4.4.2. LMT Members shall report any Emergency Purchase as soon as possible to the Treasurer and the Manager, Procurement.
- 4.4.3. LMT Members shall identify any Urgent Purchase as soon as possible to the Treasurer and the Manager, Procurement.
- 4.4.4. LMT Members shall ensure that their Town Division is in compliance with the provisions of this By-law.

- 4.4.5. LMT Members shall ensure there is no splitting of purchases with the intent to avoid any of the provisions or processes outlined in this By-law.
- 4.4.6. LMT Members shall ensure that any purchases are planned effectively to allow sufficient time to follow the requirements of this By-law and that the Bidders will have reasonable time to submit a Bid in accordance with this By-law.
- 4.4.7. LMT Members shall ensure that the specifications, terms of references, or statements of work are accurate and reflective of the project expectations.

4.5. Manager, Procurement

- 4.5.1. This By-law authorizes the Manager, Procurement to act as the legal purchasing agent for the Town. The Manager, Procurement shall determine the method of procurement and the form of Contract to be used for an Award.
- 4.5.2. The Manager, Procurement has the following authorities and responsibilities:
 - (a) may approve all Contracts with a value up to \$500,000 inclusive;
 - (b) may approve all Contracts in excess of \$500,000 up to \$1,000,000 in accordance with Section 6.4 under this By-law or as otherwise delegated by Council;
 - (c) notwithstanding Sections 4.5.2(a) and (b), where there is an unfavourable budget variance, a request to add provisional items, and/or to have any favourable variances remain in the project, approval from the applicable LMT Member and the Treasurer is also required; and
 - (d) must prepare, in consultation with the Town Clerk, all legal agreements over \$500,000 for execution by the Mayor and Town Clerk.
- 4.5.3. The Manager, Procurement shall monitor adherence to the provisions of this By-law and the procedures adopted for its use.
- 4.5.4. The Manager, Procurement shall be responsible for supporting Contractor relations and for the conduct of all Contracts, contract negotiations, and dispute resolution, subject to the other provisions of this By-law. The Manager, Procurement shall be provided with assistance from the applicable Department prior to the outset of a Bid Call in matters that require further expertise, and may request the applicable Department undertake research into specific Goods, Services, or Bidders.

4.5.5. The Manager, Procurement shall, as soon as possible, submit a report to Council setting out the details of any Contracts Awarded under Section 4.2 of this By-law.

4.5.6. The Manager, Procurement may review and recommend improvements to the specifications, terms of reference, or statements of work for a project when deemed necessary and may reject any specification not consistent with the By-law.

4.6. Authorized Staff

4.6.1. Authorized Staff have the following authorities and responsibilities:

- (a) may authorize Minor Purchase Orders up to \$35,000;
- (b) shall be a signatory for any Purchase Orders with a value greater than \$35,000 (the applicable LMT Member shall provide additional level approval); and
- (c) may authorize any Supplier Contract releases.

4.7. Any Authority provided to a Town staff member pursuant to this By-law or any other delegation by-law, are also hereby provided to the more senior staff member to whom that staff member reports, within the Town's organizational structure.

5. PROCEDURES APPLICABLE TO ALL TYPES OF BIDS

5.1. Where the Town enters into a Contract with the private sector, the policies and procedures of the Town shall apply, unless explicitly stated otherwise in the terms of the contract.

5.2. Where procurement solicitations are posted on the Town's Bidding System, every effort will be made to send notification to Bidders that are registered. The onus is on interested Bidders to review the website for planned and open procurements.

5.3. Where procurement solicitations are posted on the Town's Bidding System, all Bids shall be submitted through the Town's Bidding System, unless an alternate method is provided by the Manager, Procurement.

5.4. All Bid Calls shall require that a Bidder's Bid be submitted no later than a certain day and time. The Town will not accept a late Bid.

5.5. When the Town's needs for Goods, Services or Construction exceed the threshold of the current Contract, the Manager, Procurement, may extend the

- current Contract for the sole purpose of allowing additional time for the procurement of the Goods, Services or Construction. The length of the Contract extension shall be limited to the time period required to undertake the new procurement process.
- 5.6. Except as otherwise provided by this By-law or by Council, no commitment to purchase Goods, Services or Construction shall be made until such time as a Contract has been issued and all documents and approvals received, in accordance with this By-law.
 - 5.7. Each Bid received in response to a procurement solicitation shall be reviewed to determine whether a Bid Irregularity exists. Bid Irregularities are subject to Section 23 of this By-law.
 - 5.8. During the Blackout Period, Bidders must direct all communications regarding the procurement process through the Town's Bidding System or to purchasing@milton.ca. Communications while the Bid is in the marketplace should be done through the Town's Bidding System.
 - 5.9. Where possible, product presentations or demonstrations may be included as part of the formal competitive bid process. Situations may occur where a product presentation or demonstration may be required or beneficial in advance of a procurement process. The Manager, Procurement may provide guidelines or establish procedures with respect to carrying out product presentations or demonstrations.
 - 5.10. The Town is not required to Award a Contract and may choose to either cancel the bid solicitation and/or recall Bids at a later date, or enter into direct negotiations with a single supplier, in any of the following circumstances:
 - (a) when only one Bid has been received;
 - (b) when the Bid exceeds the available project budget for the required Goods, Services or Construction;
 - (c) when all Bids submitted fail to comply with the specifications or requirements contained in Bid;
 - (d) when a material change in the scope of work or specifications is required;
 - (e) when it is determined by the Town, in its sole discretion, that the Award would not be in the best interest of the Town.
 - 5.11. Where a Bidder has been notified of the Town's intent to Award the Contract, and the successful Bidder fails to execute the Contract or fails to provide any required documents within the specified time, the Manager, Procurement may:

- (a) grant the successful Bidder additional time to fulfill the requirements;
- (b) Award the Contract to the Bidder with the second lowest Compliant Bid in the case of a Tender process or the second highest ranking Compliant Bid in the case of a Proposal process; or
- (c) cancel the procurement process and not Award a Contract.

6. PROCUREMENT METHODS

- 6.0.1 The dollar amount limits which set the procurement process to be followed in this By-law, except as otherwise stated, shall be the total cost including other costs (i.e. delivery, freight, customs) and exclusive of taxes.
- 6.0.2 Provided that the total cost does not exceed the available approved budget, the procurement of the Goods or Services listed in Section 21 are not subject to the policies and procedures established in this By-law, but must conform to the authorization provisions of this By-law.
- 6.0.3 The required authorization for Town staff to use a Town Issued Credit Card or Purchase Order, and all applicable insurance, worker's compensation, and accessibility documentation required from the Contractor, is to be in place prior to the delivery of Goods or the supply of Services and Construction. Any contravention of this process must be reported to the Manager, Procurement and the applicable LMT Member(s).

6.1. Minor Purchases

- 6.1.1. Where the requirement for a Goods, Services or Construction can be specified, is not included in any existing Contract or Supplier Contract, and is estimated that its total value does not exceed \$35,000, it shall be acquired directly by the requisitioning Department either by:
 - (a) Town Issued Credit Card (as per established limits per cardholder);
 - (b) Purchase Order; or
 - (c) petty cash (in accordance with applicable Town policies).
- 6.1.2. For any purchase pursuant to Section 6.1.1 approval of two (2) Town staff members with delegated authority from the requisitioning Department is required.

6.1.3. For any purchase pursuant to Section 6.1.1, the applicable LMT Member is responsible for ensuring Best Value is acquired by the Town and for retaining or preparing any documentation to evidence this.

6.1.4. No report to Council is necessary for purchases that are made in compliance with this section.

6.2. Request for Informal Tender

6.2.1. For the procurement of Goods, Services or Construction with an estimated value greater than \$35,000, but not exceeding the CFTA trade agreement thresholds, a Request for Informal Tender may be issued to a specific list of invited suppliers only, for at least the minimum number of calendar days preceding the closing date for the Bid Call, in accordance with CETA and CFTA requirements.

6.2.2. Where a Contract Award is made following an Informal Tender process, it may be awarded to the lowest Compliant Bid meeting all requirements specified in the Request for Informal Tender documents, subject to the provisions outlined in Section 5.

6.2.3. If two or more Compliant Bids are submitted in the same amount, those Bidders will be advised of this and will be permitted twenty-four (24) hours to revise the amount of their Bids. If the amounts are still the same after this process, a coin toss shall determine the successful Bidder. The outcome of the tie breaking method is final.

6.3. Request for Formal Tender

6.3.1. For the procurement of Goods, Services or Construction with an estimated value greater than the CFTA trade agreement thresholds, a Request for Formal Tender shall be issued, and shall be publicly advertised for at least the minimum number of calendar days preceding the closing date for the Bid Call, in accordance with CETA and CFTA requirements.

6.3.2. Where a Contract Award is made following a Formal Tender process, it may be awarded to the lowest Compliant Bid meeting all requirements specified in the Request for Formal Tender documents, subject to the provisions outlined in Section 5.

6.3.3. If two or more Compliant Bids are submitted in the same amount, those Bidders will be advised of this and will be permitted twenty-four (24) hours to revise the amount of their Bids. If the amounts are still the same after this process, a coin toss shall determine the successful Bidder. The outcome of the tie breaking method is final.

6.4. Request for Tender Authority Limits

The limits and requirements for the approval of Request for Informal Tender and Request for Formal Tender are:

Procurement Value	Approval Authority	Award Details
Greater than \$35,000 but not exceeding \$1,000,000	Manager, Procurement	Award recommendation is prepared by the Procurement Business Unit and approved by the Department, LMT Member and Manager, Procurement.
Greater than \$1,000,000	Council Approval	A schedule for the monthly procurement report or a stand-alone report is prepared by the Procurement Business Unit for Council to approve the Award.

6.5. Request for Informal Proposal

6.5.1. For the procurement of Goods, Services or Construction with an estimated value greater than \$35,000, but not exceeding the CFTA trade agreement thresholds, a Request for Informal Proposal may be issued in the following manner and subject to the following requirements:

- (a) may be issued to a specific list of invited suppliers only, for at least the number of calendar days preceding the closing date for the Bid Call;
- (b) used where comprehensive technical specifications cannot be fully defined or specified, or when alternate methods are being sought to perform a certain function or Service.

6.5.2. Where a Contract Award is made following an Informal Proposal process, it may be awarded to the highest-ranking Compliant Bid meeting all requirements specified in the Request for Informal Proposal documents, subject to the provisions outlined in Section 5.

6.5.3. On request, the Town may provide an unsuccessful Bidder with feedback with respect to the evaluation of its Bid.

6.5.4. A Negotiated Request for Informal Proposal may be issued at the discretion of the Manager, Procurement. In such instances, all of the same thresholds and clauses above, as they relate to Request for Informal Proposal, shall also be applicable for Negotiated Request for Informal Proposal.

6.6. Request for Formal Proposal

- 6.6.1. For the procurement of Goods, Services or Construction with an estimated value greater than the CFTA trade agreement thresholds, a Request for Formal Proposal shall be issued in the following manner and subject to the following requirements:
- (a) shall be publicly advertised for at least the minimum number of calendar days preceding the closing date for the Bid Call, in accordance with CETA and CFTA requirements;
 - (b) used where comprehensive technical specifications cannot be fully defined or specified, or when alternate methods are being sought to perform a certain function or Service.
- 6.6.2. Where a Contract Award is made following a Formal Proposal process, it may be awarded to the highest-ranking Compliant Bid meeting all requirements specified in the Request for Formal Proposal documents, subject to the provisions outlined in Section 5.
- 6.6.3. On request, the Town may provide an unsuccessful Bidder with feedback with respect to the evaluation of its Bid.
- 6.6.4. A Negotiated Request for Formal Proposal may be issued at the discretion of the Manager, Procurement. In such instances, all of the same thresholds and clauses above, as they relate to Request for Formal Proposal, shall also be applicable for Negotiated Request for Formal Proposal.

6.7. Request for Proposal Authority Limits

The limits and requirements for the approval of Request for Informal Proposal and Request for Formal Proposal are:

Procurement Value	Approval Authority	Award details
Greater than \$35,000 but not exceeding \$500,000	Manager, Procurement	Award recommendation is prepared by the Procurement Business Unit and approved by the Department, LMT Member and Manager, Procurement.
Greater than \$500,000	Council Approval	A schedule for the monthly procurement report or a stand-alone report is prepared by the Procurement Business Unit for Council to approve the Award.

6.8. Professional Services Roster

6.8.1. A Request for Formal Proposal shall be used for forming a Roster for Services that will be used for a specified period of time for various projects during that term, and it shall be subject to the following:

- (a) the term of the Roster will be for a maximum period of up to three (3) years;
- (b) a report shall be submitted to Council for approval in order to assign successful Bidders to the Roster.

6.8.2. The Award of the Assignments to Bidders on the Roster shall adhere to the following:

- (a) for Services with an anticipated per Assignment total cost of \$500,000 or less, the applicable LMT Member can award the Assignment in consultation with the Manager, Procurement through a direct appointment from the Roster or through utilization of a Request for Informal Proposal to solicit Bids from the approved companies on the Roster for that specific specialty.
- (b) For direct appointments, the Assignments may be distributed amongst Roster companies on an equitable basis and with consideration of "best fit". This method allows the Town to employ a number of different professionals while matching the particular talents of a professional to the project needs.
- (c) For appointments following a Request for Informal Proposal amongst approved companies, the financial criteria may carry a heavier weight in the evaluation process in this circumstance.
- (d) For Services with an anticipated per Assignment total cost that is greater than \$500,000, Council approval will be required in advance of the Award. For such assignments, a Request for Informal Proposal amongst approved companies will generally be utilized to identify the recommended Supplier.
- (e) Awards to approved companies on the Town's Roster will generally occur via purchase order.

6.8.3. Procurement will report to Council on an annual basis on the value of awarded Assignments made through the approved Roster.

6.8.4. The Town reserves the right to go to the open market for any project, regardless of the value or scope of the project. The Roster companies will be eligible to Bid on this work.

6.9. Request for Information / Expression of Interest

- 6.9.1. The Manager, Procurement, in conjunction with the applicable LMT Member, may issue a Request for Information to the market for the purpose of gaining additional information on a certain Good or Service.
- 6.9.2. The Manager, Procurement, in consultation with the LMT Member, may issue an Expression of Interest to the market for the purpose of compiling a list of potential Bidders and also to determine whether there is sufficient market interest to justify proceeding with a competitive procurement process.
- 6.9.3. The Request for Information or Expression of Interest would request detailed information such as, but not limited to, the background of the Bidder, its key personnel, relevant experience, and what the Bidder can offer the Town.
- 6.9.4. Neither a Request for Information nor an Expression of Interest creates any contractual obligations on the part of the Town.

6.10. Request for Prequalification

- 6.10.1. The Manager, Procurement may conduct a Request for Prequalification for any Goods, Services or Construction for the purpose of selecting qualified Bidders to respond to a Request for Informal/Formal Proposal or Request for Informal/Formal Tender.
- 6.10.2. When a Request for Prequalification is issued, it shall be available to potential Bidders setting out the criteria, which may include but is not limited to:
 - (a) experience for similar work,
 - (b) specialized skills,
 - (c) schedule management,
 - (d) reference provided from the other customers for similar work,
 - (e) verification of applicable licenses and certificates, and
 - (f) financial capability
- 6.10.3. The selection of qualified Bidders following a Request for Prequalification shall not create any contractual obligation between the Town and the qualified Bidder.
- 6.10.4. Only Bidders who are prequalified are eligible to submit a Bid on such Bid Calls where a Request for Prequalification was used.

- 6.10.5. If only one Supplier is prequalified in response to a Bid Call, the Manager, Procurement, in consultation with the applicable LMT Member, reserves the right to cancel the prequalification, or may negotiate a direct award with the prequalified Supplier.
- 6.10.6. If less than three Suppliers are prequalified in response to a Bid Call, the Manager, Procurement, in consultation with the applicable LMT Member, reserves the right to cancel the prequalification, or may proceed with an Award when it is determined by the Town, in its sole discretion, that the Award would be in the best interest of the Town.

7. CONTRACT ADMINISTRATION

7.1. Contingencies

- 7.1.1. Where any purchase of Goods, Services or Construction has been authorized under this By-law, the applicable LMT Member may, in the case of a Contingency, authorize disbursement of additional funds provided such cumulative additions do not exceed 10% of the total cost of the original Contract value or \$35,000, whichever is greater. Any such Award requires that the additional funds required are available in the approved budget and that Authorized Staff have provided their approval.
- 7.1.2. Once the contingency in Section 7.1.1 has been fully utilized, any additional expenses beyond this threshold must be authorized by Council. Upon Council approval, the revised Contract value will be recalculated by adding the approved additional expenses to the original Contract value, and a new 10% contingency may then be applied.
- 7.1.3. Where, due to unique circumstance or risk, and it is anticipated that a greater than 10% Contingency or \$35,000, whichever is greater, is warranted, Council must authorize such additional contingency before it is incurred, generally at the time of the original Contract Award.
- 7.1.4. Despite any requirements of this By-law, the CAO may authorize the purchase of additional Goods, Services, or Construction provided that they could not reasonably have been anticipated at the time of the Award of the original Contract or the purchase of additional Goods or Services is required to prevent interruption in service delivery or to avoid incurring extra costs. An informational report shall be submitted to Council by the Manager, Procurement.

7.2. Settlement of Claims

- 7.2.1. In the event that there is a formal claim against the Town in regard to a

Contract, the Manager, Procurement, in consultation with the Treasurer, applicable LMT Member(s), and Legal Counsel if retained, may authorize settlement up to \$500,000. A confidential summary report to Council shall be presented to Council post-settlement. If the settlement is over \$500,000, the Manager, Procurement will prepare a report for Council and Council's approval is required.

- 7.2.2. Despite any requirements of this By-law, the CAO may authorize the settlement of claims over \$500,000 provided that it is required to prevent interruption in service delivery or to avoid incurring extra costs. A report to Council for information shall be prepared as soon as is practical following such a settlement.

8. CO-OPERATIVE PURCHASING

- 8.1. The Manager, Procurement shall have the authority to join or participate with other public authorities or government agency, as a named agency, including local boards, commissions and agencies in co-operative purchasing, and bulk buying of Goods and Services.
- 8.2. The Manager, Procurement may acquire any Goods or Services from an existing government contract if it is deemed by the Manager, Procurement, to be in the best interest of the Town.
- 8.3. If the Town participates or joins with another government agency or public authority in co-operative purchasing, the policies of the agency calling the co-operative bid shall apply.
- 8.4. Purchases made through co-operative buying procedures will still follow all approvals and reporting as outlined in this By-law.

9. NON-COMPETITIVE PROCUREMENT

- 9.1. In certain circumstances it may not be possible, or it may not be advantageous, for the Town to proceed with a competitive bid process. Situations where the Town may engage in a non-competitive procurement include:
- (a) Single Sourcing – where purchases are made through a selected Supplier, even though there are other Suppliers that provide similar Goods or Services;
 - (b) Sole Sourcing – where there is only one available Supplier for the source of the Good or Service;
 - (c) Standardization / Compatibility - is the adoption of a single Good, Service,

or support activity to be used by one Department or a number of Departments, whereby a particular Supplier may be identified based on technical specifications and sourced to the exclusion of others. This process will allow for a reduction in the number of Goods or Services required, maximize volume buying opportunities, reduced handling, training and storage costs;

- (d) where a Bid Call has been publicly advertised and no submissions were received, no Bids conformed to the essential requirements of the Bid Call documents, or no Bidders satisfied the conditions for participation; and
 - (e) where in the judgment of the Manager, Procurement, in consultation with the applicable LMT member, Goods or Services are judged to be in short supply due to market conditions.
 - (f) Emergency Purchases and Urgent Purchases, as defined in this by-law.
- 9.2. All non-competitive procurement Awards with a value of \$35,000 or less may be Awarded through Section 6.1 of this By-law.
- 9.3. Non-competitive procurement Awards with a value greater than \$35,000, excluding Emergency Purchases and Urgent Purchases, require Council approval. The requisitioning Department shall advise Procurement, who will prepare a schedule for the monthly purchasing report or a separate staff report for Council approval.
- 9.4. For non-competitive procurement Awards under Section 9.1 with a value greater than \$35,000 (excluding Emergency Purchases), prior to making a commitment to a Supplier or prior to commencing any work, the Project Manager shall prepare a non-competitive procurement award report detailing the rationale for requesting non-competitive procurement. The Manager, Procurement shall assist and guide any negotiation process to ensure the Town employs fair and ethical practices in accordance with this By-law.
- 9.5. Any executed Contracts shall be kept on file with the limited tendering award report in Procurement.
- 9.6. All non-competitive procurement greater than the CETA thresholds shall be Awarded on the Town's Bidding System if required by any trade agreement.

10. COUNCIL REPORTS

- 10.1. Unless provided for otherwise within this By-law, Council approval will be required if one of the following circumstances exists:
- (a) the lowest Compliant Bid is not being recommended in a Request for

Informal Tender or Request for Formal Tender;

- (b) the procurement exceeds the budget by an amount that cannot be addressed through staff delegated authority;
- (c) the lowest Bid is being recommended but does not meet major specifications;
- (d) this By-law is being waived;
- (e) Awards for a Request for Formal Proposal (non-Roster) over \$500,000 (note: renewal options will be approved via PDA Report so long as the terms of renewal have been incorporated into an Award that was previously approved by Council);
- (f) Awards for a Request for Formal Tender over \$1,000,000;
- (g) Roster Assignments over \$500,000;
- (h) the assignment of Bidders to the Roster;
- (i) authorizing a contingency greater than 10%;
- (j) settlement of a claim over \$500,000 against the Town in regards to a Contract;
- (k) the CAO requests a report be written;
- (l) entering into a Contract with a Bidder, inclusive of its sub-contractor, who has instituted a legal proceeding against the Town or against whom the Town has instituted a legal proceeding against;
- (m) identical Bids were received in a Request for Formal Tender or a Request for Informal Tender;
- (n) one or more of the Bidders have an unacceptable conflict of interest; or
- (o) an Award for non-competitive procurement that exceeds \$35,000.

10.2. The Award report will be submitted by the Manager, Procurement in consultation with the requisitioning Department and the Treasurer. Upon approval, the Manager, Procurement shall execute a Purchase Order or the Mayor and the Town Clerk shall execute a Contract with the Contractor.

10.3. The Manager, Procurement shall submit an annual summary of the Awards over \$35,000 to Council.

11. EMERGENCY PURCHASES

- 11.1. An LMT member has the authority to approve an Emergency Purchase(s) as defined in this By-law.
- 11.2. Details of the cause of the Emergency and the action needed to resolve the Emergency shall be submitted by the LMT member to the Manager, Procurement as soon as is practical.
- 11.3. Following the emergency event, the Manager, Procurement, in consultation with the LMT member, will prepare a report to Council for information, as soon as practical thereafter.
- 11.4. In the case of an emergency declared under the Town's Emergency Operation Centre (EOC), that approved protocols and authorities of the EOC shall supersede this By-law.

12. URGENT PURCHASES

- 12.1. Where an LMT Member identifies the need for an Urgent Purchase as defined in this By-Law, they shall notify the Manager, Procurement and provide the required detail and documentation.
- 12.2. The CAO may authorize an Urgent Purchase(s).
- 12.3. An informational report shall be submitted to Council by the Manager, Procurement following the award.

13. UNSOLICITED PROPOSALS

- 13.1. No procurement resulting from the receipt of an Unsolicited Proposal shall occur without compliance with the provisions of this By-law.

14. SUPPLIER PERFORMANCE EVALUATION

- 14.1. The Manager, Procurement may initiate a performance evaluation at the substantial completion of a Contract, or more frequently if determined by the Manager, Procurement in consultation with the applicable LMT Member(s).
- 14.2. The Project Manager responsible for overseeing the project, in conjunction with the Manager, Procurement, shall conduct the performance evaluation.
- 14.3. The performance evaluation shall rate the performance of the Supplier on criteria determined by the Manager, Procurement and the Project Manager to be

appropriate in determining if the Town has obtained a satisfactory level of performance by the Supplier.

14.4. The performance evaluation shall determine:

- (a) whether the Supplier is allowed to respond to Bid Calls for future Contracts with the Town and under what conditions; or
- (b) whether the Supplier will be prohibited from bidding on any Contracts with the Town during a specified period.

14.5. In reaching a determination, the Project Manager and Manager, Procurement shall be entitled to rely upon the evaluation criteria and all relevant materials including, but not limited to, any correspondence, consultant notes, and the results of prior performance evaluations relating to other Contracts performed by the same Supplier.

14.6. The Supplier may be provided with the written results of the performance evaluation and will have twenty (20) days following delivery of the evaluation to request an appeal.

14.7. Where an appeal is requested, a Dispute Committee may conduct the appeal review and provide the Supplier with their decision in writing. The decision of the Dispute Committee shall be based on a majority of the Dispute Committee and shall be final.

14.8. Section 14.4 applies to parties related to a Contractor. In determining whether a Bid is being received from a related party, any Contractor submitting a Bid to the Town may be required to submit a statement disclosing its principal shareholders (if a privately held corporation), the members of its Board of Directors, its partners or proprietors, its senior management, and those managers having specific responsibility for completion of the proposed Contract with the Town. The Manager, Procurement may determine that the Bidder is related if there is a substantial connection between the shareholders, directors, partners, proprietors, senior management or managers proposed to be in charge of the work for the Town, and those persons holding similar positions with probationary or prohibited Contractors. The decision of the Manager, Procurement may be appealed to the Dispute Committee within five (5) days of the delivery of the Manager, Procurement's decision to the Contractor. The composition of the Dispute Committee, its procedure, and the finality of its decision, shall be as outlined above.

15. LOCAL PREFERENCE

15.1. The Town will comply with Provincial legislation with respect to consideration of local preference.

16. SUSTAINABLE PRODUCTS AND SERVICES

16.1. The purchase of sustainable Goods and Services may be considered by the Town and may form part of the specifications of the Bid Call documentation. These Goods and Services are defined as those having a lesser or reduced effect on human health and the environment when compared to other Goods or Services that serve the same purpose. Sustainable products are those that:

- (a) use recycled materials;
- (b) are durable, reusable or are designed to be recycled;
- (c) consume fewer resources in their manufacture or their use; and
- (d) Services that use sustainable responsible practices.

17. LOBBYING PROHIBITED

17.1. If any director, officer, employee, agent or other representative of a Bidder, including any other parties that may, directly or indirectly, be involved in a joint venture, consortium, or business relationship with the Bidder, makes any representation or solicitation to any members of Council, staff, agent of the Town, or to the media for the period between Bid issuance and Bid Award, with respect to the Bidder's Bid, the Town will be entitled to reject said Bid should it choose to do so in its sole discretion. This requirement does not extend to any public deputations that may be made to any Town Council or Committees in accordance with the Town's Procedural By-law. The Manager, Procurement in consultation with the LMT Member and the Treasurer may issue a notice of rejection pursuant to this section.

18. DISPOSAL OF SURPLUS ASSETS

18.1. Where any Goods are surplus, obsolete or unrepairable, they shall be declared surplus by the Manager, Procurement with the approval of the applicable LMT Member.

18.2. When no other use can be found for surplus items in other Departments, they shall be added to the surplus list and, at the discretion of the Manager, Procurement and while considering the best interests of the Town, disposed of through formal auction, internet auction, tender, quotation, trade-in or sold to an external third party. Any remaining surplus items may be awarded to any non-profit entity.

- 18.3. When surplus items are unrepairable the Manager, Procurement and/or LMT Member may dispose of the items through a licensed waste hauler or by other legally permitted disposal.
- 18.4. Where surplus items have limited market value the Manager, Procurement and/or LMT Member may, to the benefit of the Town, dispose of the items in a manner other than the ones listed above.
- 18.5. An annual information report shall be submitted to Council indicating the value obtained for the surplus items that have been disposed of during the fiscal year.

19. CONFLICT OF INTEREST

- 19.1. Town staff involved in procurement activities with Bidders shall adhere to the Town's Code of Conduct.
- 19.2. The Manager, Procurement reserves the right to solely determine whether any situation or circumstance constitutes a conflict of interest.
- 19.3. The Manager, Procurement, in consultation with the LMT Member(s), reserves the right to disqualify Bidders from a Bid Call due to a conflict of interest.
- 19.4. Bidders participating in a procurement process shall declare any actual, perceived, or potential conflict of interest.
- 19.5. Suppliers shall avoid or disclose any conflict of interest that arise during the performance of their contractual obligations for the Town.
- 19.6. The Town reserves the right to prescribe the manner in which a Supplier shall resolve a conflict of interest.
- 19.7. The Town may terminate a Contract where a Supplier fails to disclose an actual or potential conflict of interest or fails to resolve a conflict of interest as directed by the Town. The Town may terminate a Contract where a conflict of interest cannot be resolved.
- 19.8. Town staff shall be aware of the potential conflict of interest created when a Supplier is involved in the development of competitive documents or is involved in a study that will lead to a requirement for development of competitive documents and also has the ability to fulfill the procurement needs that are being contemplated in those competitive documents.
- 19.9. Town staff shall be very clear and insist on documented agreements that any Supplier involved in developing competitive documents or studies affecting competitive documents cannot be involved in the creation of the response to those competitive documents.

19.10. When involved in a Bid Call, Town staff, advisors, and members of Council are expected to declare any conflicts of interest and the Manager, Procurement shall request that a conflict of interest declaration be signed by such person making such declaration. Town staff, advisors, or members of Council are ultimately responsible and accountable to use good judgment in the exercise of the Town's duties and shall:

- (a) disclose conflicts of interest to the Manager, Procurement and their immediate supervisor in writing;
- (b) avoid situations that may present conflicts of interest while dealing with persons or organizations doing business or seeking to do business with the Town; and
- (c) comply with the Town's Code of Conduct and where applicable, the *Municipal Conflict of Interest Act*, R.S.O. 1990, c.M.SO, and any successor legislation, or any other applicable law.

19.11. Situations that might result in a conflict of interest for Town staff or members of Council include the following:

- (a) engaging in outside employment;
- (b) not disclosing an existing relationship that may be perceived as being a real or apparent influence on their objectivity in carrying out an official role;
- (c) providing assistance or advice to a particular Bidder participating in a competitive procurement process;
- (d) having an ownership, investment interest, or compensation arrangement with any entity participating in a competitive procurement process;
- (e) having access to confidential information; and
- (f) accepting favours or gratuities from those doing business with a Bidder.

20. LEGAL CLAIMS

20.1. No Bid will be accepted from any Bidder, inclusive of its sub-contractor, which has a claim or instituted a legal proceeding against the Town or against whom the Town has a claim or instituted a legal proceeding with respect to any previous Contract (alone or in conjunction with others).

20.2. Town Council may choose to waive the requirements of Section 20.1 through approval of a resolution. Such a decision may be informed by Town staff and/or legal counsel, and there is no obligation for Council to waive the requirements of Section 20.1.

21. BID PROCESS NOT REQUIRED

21.1. A Bid Call will not be required for the Goods or Services that do not lend themselves to a competitive bid process. If it is determined that a Bid Call would not be applicable, all other requirements of contracting for those Goods or Services, are still applicable (i.e. Purchase Order, insurance, WSIB, etc.). The following items or class of items do not require a Bid Call:

- (a) targeted staff-related requirements (i.e. training, education, seminars, memberships, medical reviews, etc.);
- (b) refundable employee expenses;
- (c) special Services (including but not limited to Committee fees, witness fees, court reporter fees, honoraria, Committees of Council, arbitrators, legal settlements, legal Services, financial Services, Election Services, entertainment acts, camp destination excursions, trade show rentals, advertising,);
- (d) utilities (i.e.: Postage, water, sewer, gas, hydro);
- (e) expenses relating to other government agencies, except where Services can be openly bid, including where another government agency specifically requests the purchase of Goods or Services under the terms of an executed agreement (i.e. road maintenance contracts)

22. INTERPRETATION

22.1. In this By-law, unless the context otherwise requires:

- (a) words in the singular include the plural, and words in the plural include the singular; and
- (b) words referring to any gender include all genders.

22.2. A reference to a statute, regulation, trade agreements, or by-law includes:

- (a) that statute, regulation, trade agreement, or by-law as amended or replaced from time to time; and
- (b) any successor legislation.

22.3. The word “shall” indicates a requirement. The word “may” indicates permission or discretion.

22.4. All dollar amounts are in Canadian dollars and exclude Harmonized Sales Tax.

23. CHART OF BID IRREGULARITIES

23.1. The Manager, Procurement, in consultation with the requisitioning Department, will review Bid Irregularities. Unless otherwise decided upon by the Manager, Procurement or Council, Bid Irregularities shall be resolved as follows:

	Type of Bid Irregularity	Action Taken
1.	Late Bid: Bid received after the closing date and time specified in the Bid Call documents	Late Bids will be rejected without consideration. Bidding System does not accept late Bids.
2.	Addenda: Addenda not acknowledged	Bidding System does not accept Bids that have not acknowledged all addenda.
3.	Site Meeting: Bidder did not attend a mandatory site meeting	Bids received that have not fulfilled the mandatory requirement will be deemed non-compliant and not considered for an award.
4.	Method of Delivery: Where a Bid was submitted via a method other than the method(s) permitted in the Bid Call documents	Bid declared non-compliant
5.	Suspended Bidder: Bid submitted by a Bidder who has been suspended from the bidding process	Bid declared non-compliant unless, at the Town’s sole discretion, it is subject to the exceptions stated in the Town’s By-law.
6.	Format: Bid not on the form supplied by the Town or not in the format specified in the Bid Call documents.	Bidder shall be given five (5) business days to remedy, failing which the Bid is declared non-compliant, unless in the opinion of the Manager, Procurement, the insufficiency is trivial or insignificant.

7.	<u>Bid Bond/Agreement to Bond:</u> Bond is missing.	Bids received without the required bonding will be declared non-compliant.
8.	<u>Bid Bond/Agreement to Bond:</u> The amount of the Bond is less than the amount required as indicated in the Bid Call documents.	Bidder shall be given two (2) business days to remedy, failing which the Bid may be declared non-compliant, unless in the opinion of the Manager, Procurement, the insufficiency is trivial or insignificant.
9.	<u>Bid Bond/Agreement to Bond:</u> The bonding company is not licensed to conduct business in Ontario.	Bidder shall be given two (2) business days to remedy, failing which the Bid may be declared non-compliant.
10.	<u>Bid Bond:</u> Bond is not an electronically verifiable or enforceable (e-Bond) as indicated in the Bid Call documents.	Bidder shall be given two (2) business days to remedy, failing which the Bid may be declared non-compliant.
11.	<u>Qualified Bid:</u> Where the Bid has been qualified by changes to specification or major requirements and acceptance would allow an unfair advantage over competitors	Bid declared non-compliant
12.	<u>Bid Does Not Meet Major Specifications:</u> Where a Bid has been submitted but does not satisfy the major specifications, as determined in the sole discretion of the Manager, Procurement, provided in the Bid Call documents	Bid declared non-compliant
13.	<u>Bid Does Not Meet Minor Specifications:</u> Where a Bid has been submitted but does not satisfy the minor specifications, as determined in the sole discretion of the Manager, Procurement, provided in the Bid Call documents	The Manager, Procurement in consultation with the applicable LMT Member may accept the bid or declare the Bid non-compliant.
14.	<u>Failure to Execute:</u> Successful Bidder fails to execute a Contract or supply supplementary documents after Intent to Award letter has been issued	The Manager, Procurement may declare the Bid non-compliant.

		This may further result in the banning of further bidding, the calling of a bond, or the Bidder may be restricted from bidding for a period of time.
15.	<u>Part Bids</u> : Bidder submits a Part Bid	Part Bids are not accepted unless specified in the Bid Call documents.
16.	<u>Minor Error in Bid</u> : Bid submitted by a Bidder contains a minor error	The Bidder will be provided two (2) working days to correct errors. The Town reserves right to accept Bid notwithstanding these errors.
17.	<u>Alternate Items Bid in Whole or In Part</u>	Available for further consideration unless specified otherwise in request.
18.	<u>Other Mathematical Errors</u> Bids that contain an error in extensions, additions or computations. Unit prices prevail.	The Bidder will be provided with two (2) working days to initial corrections as made by Procurement.
19.	<u>Missing Pages</u> : Bid submitted by a Bidder is missing pages	Reviewed on a case-by-case basis. May result in Automatic Rejection, as determined in the sole discretion of the Manager, Procurement. The Town reserves the right to accept or reject Bids that are missing pages.
20.	<u>Major Error in Bid</u> : Bid submitted by a Bidder that contains a major error, including Bids that appear to contain materially unbalanced pricing information	Reviewed on a case-by-case basis. May result in Automatic Rejection, as determined in the sole discretion of the Manager, Procurement.
21.	<u>Other Bid Irregularities</u>	The Manager, Procurement may declare the Bid non-compliant. The Bidder may be given up to five (5) business days to remedy the Bid Irregularity depending on the situation.

THE CORPORATION OF THE TOWN OF MILTON

BY-LAW NO. XXX-2026

BEING A BY-LAW TO APPOINT BANKING SIGNING AUTHORITIES, AND TO REPEAL BY-LAW 052-2021 (AS AMENDED)

WHEREAS section 11(2) of the *Municipal Act*, 2001, c. 25, as amended, provides a municipality with authority to pass by-laws regarding the financial management of the municipality;

AND WHEREAS Section 286 of the *Municipal Act*, S.O. 2001 authorizes the municipality to appoint a treasurer who is responsible for handling the financial affairs of the municipality, and to appoint deputy treasurers;

AND WHEREAS Section 287 of the *Municipal Act*, S.O. 2001 authorizes the municipality to provide that the signatures may be mechanically or electronically reproduced;

AND WHEREAS all cheques of the Corporation of the Town of Milton (the "Corporation") be drawn in the name of the Corporation;

AND WHEREAS Section 23.1 of the *Municipal Act*, S.O. 2001 authorizes the municipality to delegate its powers and duties under the *Municipal Act*, 2001, subject to certain requirements.

NOW THEREFORE the Council of the Corporation hereby enacts as follows:

1. **THAT** the authorized banking signing officers on behalf of the Corporation are:
 - (i) the Chief Financial Officer / Treasurer
 - (ii) the Manager, Accounting and Payroll
 - (iii) the Supervisor, Accounting
 - (iv) the Senior Accounting Analyst
 - (v) the Senior Accounting Lead
 - (vi) the Supervisor, Payroll
 - (vii) the Supervisor, Treasury and Long Term Financial Planning
 - (viii) the Manager, Financial Planning and Policy / Deputy Treasurer

Cheques:

2. **THAT** all cheques of the Corporation of the Town of Milton shall be drawn in the name of the Corporation and shall be signed by the signing officer(s) jointly as outlined in section 3 below.

3. **THAT** all Corporation cheques in excess of \$50,000 must be signed manually by two signing officers. Cheques of \$50,000 or less must be manually signed by one signing officer.

Electronic Payments (including Electronic Fund Transfer, Wire and Online Banking)

4. **THAT** the supporting documentation required for each electronic payment issued by the Town in an amount up to and including \$50,000 to be authorized and released to the Bank by at least one of the signing officers, and for each electronic payment over \$50,000 to be authorized and released to the Bank by at least two of the signing officers.

Electronic Payments - Payroll:

5. **THAT** the Town designate any one of the individuals holding the following positions to authorize and release payroll and payroll related transfers and remittances to the Bank:
 - the Chief Financial Officer / Treasurer
 - the Manager, Accounting and Payroll
 - the Manager, Financial Planning and Policy / Deputy Treasurer
 - the Supervisor, Payroll
 - the Senior Accounting Analyst

General Banking

6. **THAT** the Chief Financial Officer / Treasurer, the Manager, Financial Planning and Policy / Deputy Treasurer and Manager, Accounting and Payroll, or designate, be authorized and directed to give instructions, to provide verifications and approvals on behalf of the Town to the Bank and to be authorized to sign and deliver any service requests or other banking agreements.
7. **THAT** the Chief Financial Officer / Treasurer, the Manager, Financial Planning and Policy / Deputy Treasurer and the Manager, Accounting and Payroll, or designate, be authorized on behalf of the Town to negotiate with, deposit with or transfer to the Bank, for the credit of the Town accounts only, all or any bills of exchange, promissory notes, cheques and orders for the payment of money and any other negotiable paper or electronic files for the said purposes.
8. **THAT** the Chief Financial Officer / Treasurer, the Manager, Financial Planning and Policy / Deputy Treasurer and the Manager, Accounting and Payroll, or designate, be authorized on behalf of the Town to arrange, settle and balance all accounts and financial records between the Town and the Bank; and to receive all other negotiable instruments or other electronically produced data.

Investing Activity:

9. **THAT** the Town designate any one of the individuals holding the following positions to be authorized as Trading Officers to the Town's accounts with investment brokers:
 - Chief Financial Officer / Treasurer
 - Manager, Accounting and Payroll
 - Manager, Financial Planning and Policy / Deputy Treasurer
 - Supervisor, Treasury and Long Term Financial Planning
10. **THAT** the Trading Officers shall be authorized to execute and deliver agreements, consent letters of instruction or other documents required by investment brokers for the establishment, reclassification or operation of any account on behalf of the Town.
11. **THAT** the Trading Officers shall be authorized to purchase, redeem or transfer on behalf of the Town between any of its accounts any monies or securities.
12. **THAT** the Chief Financial Officer / Treasurer shall arrange for the authorized bank(s) of the Corporation, at which an account of the Corporation is kept, to be furnished with a copy of this By Law certified by the Clerk under the Corporation Seal and from time to time with specimens of facsimiles of the signature of persons having authority to sign cheques on behalf of the Corporation.
13. **THAT** By-laws No. 052-2021 (as amended) is hereby repealed.
14. **THAT** this By-law comes into force on the day it is passed.

PASSED IN OPEN COUNCIL ON MAY 11, 2026.

Gordon A. Krantz Mayor

Meaghen Reid Town Clerk