

A by-law to amend By-law
0013-2022, to implement recommendations
relating to Co-operative Procurements
and Buying Groups

WHEREAS sections 8, 9 and 11 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended (the "*Municipal Act, 2001*") authorize the Council of The Corporation of the City of Mississauga to pass by-laws necessary or desirable for municipal purposes;

AND WHEREAS the *Municipal Act, 2001*, Part VI, Section 270(1) stipulates that a municipality shall adopt and maintain policies with respect to its procurement of goods and services;

AND WHEREAS Council of The Corporation of the City of Mississauga enacted the Procurement By-law 0013-2022 (the "Procurement By-law");

AND WHEREAS on September 20, 2023, the General Committee for The Corporation of the City of Mississauga made a recommendation _____ to amend the Procurement By-law to clarify the City's ability to enter into agreements pursuant to a competitive procurement process conducted by a Buying Group or Public Body, as set out in the corporate report from the Commissioner of Corporate Services, dated August 31, 2023 and entitled "Amendment to Procurement By-law 0013-2022";

NOW THEREFORE the Council of The Corporation of the City of Mississauga ENACTS as follows:

1. That the Procurement By-law 0013-2022 be amended, as follows:
 - (a) The definition of "Buying Group" be added in alphabetical order to Section 1, as follows:

"Buying Group" means a group of two or more members that combine the purchasing requirements and activities of the members of the group into one joint procurement process. Buying Groups include cooperative arrangements in which individual members administer the procurement function for specific contracts for the group, and more formal corporate arrangements in which the buying group administers procurement for group members. Buying Groups may consist of a variety of entities, including any combination of procuring entities, or not-for-profit organizations.
 - (b) The definition of "Co-operative Procurement" in Section 1 be deleted in its entirety and replaced with the following:

"Co-operative Procurement" means a competitive Procurement process conducted by the City and/or through one or more Buying Groups or Public Bodies.
 - (c) Section 22(1) be deleted in its entirety and replaced with the following:
 - (1) The City may participate in Co-operative Procurement initiatives and/or execute agreements with a supplier pursuant to a competitive bid process conducted by a Buying Group or Public Body where it is in the best interest of the City to do so and where:
 - (a) The agreement would result in a better value or lower cost for the City;

- (b) Where a Buying Group or Public Body conducted the Procurement, the Procurement process contemplated the City’s participation (either explicitly by name or implicitly as a Public Body or a member of the Buying Group);
 - (c) The Procurement process and subsequent Contract are in substantial compliance with the provisions of this By-law;
 - (d) Where the City is conducting the Co-operative Procurement, the Procurement process will be conducted in accordance with this By-law; and
 - (e) The Legal Services Division shall be consulted to determine the appropriate agreements required to conduct such Procurements.
- (d) Section 22 be amended by adding a new subsection (3), as follows:
- (3) The award approval and contract execution authority for Co-operative Procurements shall be authorized in accordance with “Schedule B” and all other applicable City policies.
- (e) Schedule “A” (1)(j) be deleted.

ENACTED and PASSED this _____ day of _____ 2023.

<p>Approved by Legal Services City Solicitor City of Mississauga</p>

<p>Chris Ibarra Date: September 18, 2023 File: BL.01-23.25</p>

MAYOR

CLERK