

Appendix 1: Comparison of Current and Proposed By-law

Current Bylaw, with tracked changes for Amended Bylaw	Rationale
The current, approved Bylaw content includes blue text to demonstrate proposed Bylaw content	Why changes (deletions and/or insertions) are being proposed
<p>Section 1 – Definitions</p> <p>In this By-law, the following terms shall have the meanings indicated:</p> <p>(1) “Advanced Contract Award Notice” or “ACAN” means a public notice, posted on the City’s e-bidding website, indicating to the supplier community that the City intends to award a Contract for specific Goods and/or Services to a pre-identified Supplier, believed to be the only one capable of providing the Goods and/or Services, thereby allowing other suppliers to signal their interest in bidding by submitting a statement of capabilities.</p> <p>(2) “Applicable Law” means any applicable federal, provincial or municipal law, statutes, by- laws, regulations, rules, lawful orders or lawful directives applicable in Ontario.</p> <p>(3) “Award” means the selection of the Bidder and the Bidder’s Goods and/or Services, as accepted by the City.</p> <p>(4) “Best Value” means the optimal balance of evaluated factors and cost to achieve the City’s objectives for the Procurement.</p> <p>(5) “Bid” means a proposal, offer or submission from a Bidder received in response to a Bid Request.</p> <p>(6) “Bid Request” means a solicitation from the City to potential Bidders to submit a Bid.</p> <p>(7) “Bidder” means any legal entity submitting a Bid.</p> <p>(8) “Buyer” means a Staff in Procurement Services with the title of Manager, Procurement Services; Manager, Procurement Business Partner; Manager, Procurement Business Process; or Procurement Specialist; who is assigned responsibility for a</p>	<p>Added a definition for Advanced Contract Award Notice (“ACAN”)</p> <p>Chief Procurement Officer definition revised</p> <p>City Standard definition revised</p> <p>Added a definition for Innovation Procurement</p> <p>Low Value Acquisition definition revised</p> <p>Request for Expression of Interest definition revised</p> <p>Request for Prequalification definition revised</p>

Appendix 1: Comparison of Current and Proposed By-law

<p>particular Procurement and who has delegated authority to approve Awards and execute Contracts in accordance with Schedule “B” attached hereto.</p> <p>(9) “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.</p> <p>(10) “By-law” or “Procurement By-law” means the City’s By-law 0013-2022, as amended, which pertains to the Procurement of Goods and Services.</p> <p>(11) “Chief Procurement Officer” means a Staff with the title of Director of Corporate Business Services whose responsibility it is to supervise and carry out the Procurement function on behalf of the City In the absence of the Director of Corporate Business Services, the responsibility shall be carried out by the Commissioner appointed by Council with administrative responsibility for Procurement Services. and includes any person who has been authorized, in writing, to temporarily act during absence or vacancy in that office.</p> <p>(12) “City” means The Corporation of the City of Mississauga.</p> <p>(13) “City Manager” means a Staff with the title of City Manager and any person to whom the authority of the City Manager is subsequently delegated by Council and includes any person who has been authorized, in writing, to temporarily act as City Manager during absence or vacancy in that office.</p>	
--	--

Appendix 1: Comparison of Current and Proposed By-law

<p>(14) “City-wide Contracts” means contracts for Goods and/or Services that are used by several or all City departments and for which Procurement Services conducts the procurement processes and manages the contracts.</p> <p>(15) “City Standard” means specific HVA Goods established competitively or as approved by Council that best fill a long-term Departmental or City-wide requirement. A supplier cannot be deemed a City Standard. A supplier cannot be deemed a City Standard.</p> <p>(16) “Contract” means an agreement between the City and a Supplier for the supply of Goods and/or Services.</p> <p>(17) “Contract Manager” means a City employee to whom the Departmental Director has delegated Procurement process responsibility and/or Contract management responsibility.</p> <p>(18) “Co-operative Procurement” means a competitive Procurement process conducted by the City and/or through one or more Buying Groups or Public Bodies.</p> <p>(19) “Council” means the elected members of council of the City, comprised of the Mayor and ward councillors or their designates.</p> <p>(20) “Department” or “Departmental” means an organizational unit of the City headed by a Department Head.</p> <p>(21) “Department Head” means the City Manager and any of the Commissioners appointed by Council with administrative responsibility for a Department and includes any person who has been authorized, in writing, to temporarily act during absence or vacancy in that office.</p> <p>(22) “Departmental Director” means a Divisional director in a Department and includes any person who has been authorized, in writing, to temporarily act during absence or</p>	
--	--

Appendix 1: Comparison of Current and Proposed By-law

<p>vacancy in that office.</p> <p>(23) “Departmental Manager” means a sectional manager in a Department who has been delegated with cost centre approval up to \$50,000 by the Department Head and includes any person who has been authorized, in writing, to temporarily act during absence or vacancy in that office.</p> <p>(24) “Division” or “Divisional” means a division within a Department.</p> <p>(25) “Emergency” means a situation where it has been determined that a threat to public health, or life, or property or the environment exists such that the immediate Procurement of Goods and/or Services is essential to prevent serious delays, or damage to persons or property, or to restore or maintain essential City services.</p> <p>(26) “Fixed Term” means the specific term applied to a Contract for regularly required Goods and/or Services, such as maintenance services, office supplies and other commonly used Goods.</p> <p>(27) “Goods” means tangible and intangible goods of all kinds, including but not limited to supplies, materials, equipment, structures and fixtures to be delivered, installed and/ or constructed, and licences and subscriptions.</p> <p>(28) “High Value Acquisition” (HVA) means a Procurement of Goods and/or Services having a value ascribed to it in accordance with Schedule “B”.</p> <p>(29) “Innovation Procurement” means the Procurement of solutions that do not exist in the market or need to be adapted or improved to meet specified needs and create value for users and the City.</p> <p>(30) “Legal Services Division” means the City’s Legal Services</p>	
--	--

Appendix 1: Comparison of Current and Proposed By-law

<p>Division.</p> <p>(31) “Low Value Acquisition” (LVA) means a Procurement of Goods and/or Services having a value of \$25,000 or less and does not include Information Technology applications, software and software solutions, including applications, software, subscriptions and services, which require Information Technology approval.</p> <p>(32) “Manager” means a Staff in Procurement Services with the title of Manager, Procurement Services and includes any person who has been authorized, in writing, to temporarily act during absence or vacancy in that office.</p> <p>(33) “Medium Value Acquisition” (MVA) means a Procurement of Goods and/or Services that has a value ascribed to it in accordance with Schedule “B”.</p> <p>(34) “Original Contract” means the Contract issued following an Award, including contingency if contingency was approved on the original PAR Form, and does not include any amendments or interim extensions, or renewals made to the Contract.</p> <p>(35) “Procurement” means the acquisition of Goods and/or Services by purchase, lease, rental or exchange transaction.</p> <p>(36) “Procurement Authorization Request Form” (PAR Form) means an internal electronic form that is available through Procurement Services. A PAR Form is required to obtain authority to Award, amend or terminate a Contract.</p> <p>(37) “Procurement Request Form” (PRF) means an internal electronic requisition form used by Departments to initiate a Procurement process.</p> <p>(38) “Procurement Services” means an organizational unit of the</p>	
---	--

Appendix 1: Comparison of Current and Proposed By-law

<p>Corporate Services Department responsible for the Procurement of Goods and Services for the City.</p> <p>(39) “Public Body” means the municipalities, academic, schools and hospitals sector and any local board, commission, non-profit corporation or government entity and shall include any corporation of which the City is a shareholder or any one of them alone or in any combination of them acting together.</p> <p>(40) “Request for Expression of Interest” (RFEI) means a request used to determine market interest to provide Goods and/or Services that the City is contemplating purchasing and may result in the determination of a short list of Bidders to respond to a Bid Request.</p> <p>(41) “Request for Information” (RFI) means a request used as a general market research tool to determine the availability of Goods and/or Services that will meet business or operational requirements and Procurement strategies and/or to estimate costs for the purpose of developing a Bid Request.</p> <p>(42) “Request for Prequalification” (RFPQ) means a request with specific qualification criteria used to identify and pre-select qualified Bidders and/or Goods for participation in multiple-step HVA Procurement processes or to establish a multi-use list of Bidders and/or Goods for a set term to be used for Procurement processes or to establish a multi-use list of Bidders and/or Goods for a set term to be used for Procurement processes.</p> <p>(43) “Request for Proposal” (RFP) means a request used to obtain a Bid or Bids for Goods and or Services in cases where the City states the performance requirements and/or business objectives but Bidders recommend the optimal approach for consideration and evaluation by the City. Awards resulting from RFP processes are made to the</p>	
---	--

Appendix 1: Comparison of Current and Proposed By-law

<p>highest scoring Bidder(s).</p> <p>(44) “Request for Quotation” (RFQ) means a request used to obtain a Bid or Bids in cases where the City has determined the quantity and quality of the Goods and/or Services for Low or Medium Value Acquisitions or Single Source Procurements of any value.</p> <p>(45) “Request for Tender” (RFT) means a request used for High Value Acquisitions to obtain irrevocable Bids in cases where the City has specified the quantity and quality of the Goods and/or Services. Awards resulting from RFT processes are to the lowest priced, compliant Bidder(s).</p> <p>(46) “Services” means services of all kinds, including labour, construction, maintenance and professional and consulting services.</p> <p>(47) “Single Source” means Procurement permitted under the specific circumstances set out in Schedule “A”.</p> <p>(48) “Staff” means an employee of the City or their designate, to whom Council has delegated authority to approve Awards and/or execute Contracts and Contract amendments on behalf of the City, in accordance with this By-law.</p> <p>(49) “Supplier” means a legal entity with whom the City has entered into a Contract.</p> <p>(50) “Unforeseen Site Condition” means a pre-existing condition of the site (in which construction or maintenance work is to take place or is taking place in accordance with a Contract) that was not anticipated despite reasonable efforts in planning for the Procurement and that would require additional work to be conducted on the site.</p>	
---	--

Appendix 1: Comparison of Current and Proposed By-law

<p>Section 2 – Monetary References</p> <p>(1) All references to dollar amounts in this By-law are to be in Canadian or US dollars and do not include applicable taxes.</p> <p>(2) For the purpose of Bid evaluation, where Bids are submitted in more than one currency, all Bids will be converted to the same currency and at the rate of exchange to convert the currency posted by the Bank of Canada on the day of Bid closing.</p> <p>(3) For the purposes of obtaining authority to Award a Contract to be paid in US dollars a currency other than Canadian currency, the Award amount will be stated in Canadian dollars estimated at the rate of exchange or average of rates of exchange posted by the Bank of Canada at the time of Award.</p>	<p>Updated currency requirements to incorporate any other currency than Canadian</p>
<p>Section 3 – Applicability</p> <p>(1) The provisions of this By-law shall apply to the Procurement of all Goods and/or Services undertaken by or on behalf of Departments, excluding:</p> <p>(a) Real estate</p> <p>(b) Financial services respecting the management of government financial assets and liabilities (i.e. treasury operations), including ancillary advisory and information services, whether or not delivered by a financial institution</p> <p>(c) Consulting or professional services that are delivered in a manner which constitutes an employer/employee relationship, in accordance with City policies and procedures;</p> <p>(d) Purchases related to reimbursable expenses incurred by employees or Council in accordance with City policies and procedures;</p>	<p>Added provision for realty brokers and negotiators</p> <p>Added provision for financial services</p> <p>Added provision for training and education, including conferences, seminars, courses, conventions, workshops, staff training and staff development</p>

Appendix 1: Comparison of Current and Proposed By-law

(e) Professional and other services limited to:	
(i) legal services and other professional services required for the provision of legal services, including the defence of insurance claims, as required by the City Solicitor or designate;	
(ii) arbitrators;	
(iii) realty appraisers, brokers and negotiators ;	
(iv) court reporters and interpreters;	
(v) honoraria;	
(vi) committee fees;	
(vii) performers for public events hosted and/or produced and/or sponsored by the City at its public event venues;	
(viii) Procurement, installation, inventory, maintenance, de-accessioning and disposal of City acquired art, including interactive, artistic and/or place making installations;	
(ix) Procurement of objects and items for the Museums of Mississauga collections;	
(x) lodging and associated meals and services from hotels or similar providers of accommodations for members of the public who are participating in City hosted and/or sponsored sporting and/or tourism events, such as the Ontario Summer Games, as required under the terms and conditions of the agreement between the City and the event owner;	
(xi) services provided by representatives from Indigenous communities to attend on City project sites for observation purposes during invasive site testing or construction; and	
(xii) training and education, including conferences, seminars, courses, conventions, workshops, staff training and staff development.	

Appendix 1: Comparison of Current and Proposed By-law

<p>(f) General City expenses limited to:</p> <ul style="list-style-type: none"> (i) postal charges; (ii) any payments made by the City under statutory authority (for example licences); (iii) insurance premiums, and related program expenses, for insurance procured through the City's insurance broker; (iv) legal and insurance settlements. <p>(2) No Contract shall be entered into, no debt shall be incurred and no money shall be paid for Goods and/or Services except in accordance with the provisions of this By-law.</p> <p>(3) City Procurement shall be conducted in accordance with this By-law and City policies.</p> <p>(4) Delegation of responsibility under this By-law shall only occur as specifically provided.</p>	
<p>Section 4 – Ethics in Procurement</p> <p>(1) The Chief Procurement Officer and Procurement Services Staff shall comply with the codes of purchasing ethics established by the National Institute of Governmental Purchasing, Inc. and Supply Chain Canada for all Procurement activities and processes.</p>	<p>Removed the inclusion of Supply Chain Canada</p>
<p>Section 5 – Ethical Conduct of Bidders and Suppliers</p> <p>(1) Bidders shall certify that they prepared and submitted their Bids independently without any connection, knowledge, comparison of figures or arrangements with any other company, firm or person making a Bid for the same work and that the Bid is in all respects fair and without collusion, bid-rigging, price-fixing, bribery, fraud or other similar behaviours or practices prohibited under the Criminal Code, the Competition Act or other Applicable Law.</p> <p>(2) Bidders shall not misrepresent their qualifications and</p>	<p>Updated term 'disqualification' to 'suspension'</p>

Appendix 1: Comparison of Current and Proposed By-law

<p>experience, or the qualifications and experience of their sub-contractors, where applicable, in relation to any Bid Request.</p> <p>(3) Bidders shall not misrepresent the quality, performance or technical attributes of their products or the products of the sub-contractors, where applicable, in relation to any Bid Request.</p> <p>(4) Bidders must declare and fully disclose with their Bid any actual or potential conflicts of interest or unfair advantage related to the preparation of their Bid or where the Bidder foresees an actual or potential conflict of interest in the performance of the Contract, should they be awarded the Contract.</p> <p>(5) Suppliers awarded a Contract must declare and fully disclose to the Contract Manager any actual or potential conflicts of interest or unfair advantage related to the performance of the Contract or where the Supplier foresees an actual or potential conflict of interest in the performance of the Contract.</p> <p>(6) Bidder and Suppliers shall disclose to the Chief Procurement Officer any affiliations or other relationships with other suppliers that might be seen to compromise the principle of fair competition, including any proposed or existing subcontracting relationships.</p> <p>(7) No Bidder or Supplier shall offer anything of any value, tangible or intangible including but not limited to rebates, gifts, meals, money or special privileges of any kind to City employees, or otherwise attempt to influence or interfere with the duties of City employees in relation to a Procurement process or management of a Contract.</p> <p>(8) No Bidder or Supplier shall offer anything of any value, tangible or intangible including but not limited to rebates, gifts, meals, money or special privileges of any kind to Council, or otherwise attempt to influence or interfere with a Procurement</p>	
--	--

Appendix 1: Comparison of Current and Proposed By-law

<p>process or Contract.</p> <p>(9) Bidders and Suppliers shall at all times comply with City policies for ethical conduct, including the Supplier Code of Conduct and the Respectful Workplace Policy.</p> <p>(10) Bidders and Suppliers shall at all times maintain confidentiality of any confidential City information disclosed during a Procurement process or in the performance of any Contract.</p> <p>(11) Any Bidder or Supplier found to be in breach of this Section 5 is subject to disqualification suspension from bidding and/or termination of any Contracts they may have with the City, in accordance with Section 25.</p>	
<p>Section 6 – Conflicts of Interest</p> <p>(1) Council shall comply with the <i>Municipal Conflict of Interest Act</i>.</p> <p>(2) Employees of the City shall comply with City policies on conflict of interest.</p> <p>(3) At no time during a Procurement process, beginning with the planning stage, through to the Award and Contract stage, shall any City employees accept, directly or indirectly, from any Bidder or Supplier to which any Contract is, or might be awarded, anything of any value, tangible or intangible including but not limited to rebates, gifts, meals, money or special privileges.</p> <p>(4) No preference will be given in a competitive Procurement process to Suppliers who provided unsolicited goods, services or samples to the City or who demonstrated the operation of such goods, services or samples outside of the Procurement process.</p> <p>(5) City employees must immediately declare to their manager any real or perceived conflicts of interest they may have arising</p>	<p>Update to align with implementation of Unsolicited Bid Policy previously approved by LT</p>

Appendix 1: Comparison of Current and Proposed By-law

<p>from interacting with, managing, supervising or overseeing the work of family members and/or former employees of the City and/or anyone with whom they have a close personal relationship or have a personal interest with who are working for Suppliers in any capacity.</p> <p>(6) City employees must immediately declare to their manager any financial interests they may have with any Bidder or Supplier.</p> <p>(7) City employees in the role of Contract Manager must be and be seen to be impartial in their treatment of all Bidders and Suppliers, and in managing Contracts and approving payments.</p>	
Section 7 – Procurement Principles	No change
Section 8 – Funding <p>(1) No Contract for Goods and/or Services shall be entered into unless:</p> <p>(a) Funding for the Procurement has been authorized by Council in the requisitioning Department's operating or capital budget; or</p> <p>(b) Special funding for the Procurement has been approved by Council; or</p> <p>(c) The Contract is made conditional upon funding approval by Council.</p> <p>(2) Where Procurements are contingent upon funding from external parties, the funding arrangement shall be verified, in writing, prior to any Award, and Finance shall be consulted in accordance with Schedule "D" accordingly.</p>	Section revised for clarity
Section 9 – Authorities, Responsibilities and Duties	No change
Section 10 – Planning for Procurement	No change

Appendix 1: Comparison of Current and Proposed By-law

<p>Section 11 – Procurement from Internal Sources and City-Wide Contracts</p> <p>(1) Goods and Services which are available internally from the City's print shop, Tech Hub or stores, if applicable, shall not be obtained from other suppliers unless there is a compelling requirement for an alternate source Procurement.</p> <p>(2) Goods and Services which are available from existing City-Wide Contracts, such as office supplies, courier services, etc. shall not be obtained from other suppliers unless there is a compelling requirement for an alternate source Procurement.</p>	<p>Section revised for clarity</p>
<p>Section 12 – Competitive Procurement Above \$25,000</p> <p>(1) Medium Value Acquisitions:</p> <p>(a) A Procurement Request Form must be submitted by the Contract Manager;</p> <p>(b) The Contract Manager is responsible for determining the requirements and specifications or statement of work on behalf of their Department;</p> <p>(c) The Contract Manager may conduct Medium Value Acquisitions using the forms and instructions provided by the Buyer, and with assistance by the Buyer if required;</p> <p>(d) A written Bid Request (Request for Quotation) should be issued unless otherwise approved by Procurement Services;</p> <p>(e) A minimum of three compliant Bids should be obtained;</p> <p>(f) Following Bid evaluation and/or review and determination of the recommended Bidder(s), approval to Award the Contract(s) is required in accordance with Section 14.</p> <p>(2) High Value Acquisitions:</p> <p>(a) A Procurement Request Form must be submitted by the Contract Manager;</p>	<p>Section revised for clarity</p>

Appendix 1: Comparison of Current and Proposed By-law

<p>(b) Where required, all competitive High Value Acquisitions must be publicly advertised on the Internet City's e-bidding website. The methods for requesting Bids include, but are not limited to:</p> <ul style="list-style-type: none"> (i) Request for Expression of Interest; (ii) Request for Information; (iii) Request for Prequalification; (iv) Request for Proposal; (v) Request for Tender; (vi) A multi-step process which may involve a combination of the above; (vii) Any other procurement process which is approved in advance by the Manager. <p>(c) The Buyer is responsible for determining the Procurement method and conducting and managing the Procurement process for all High Value Acquisitions including the evaluation process and the maintenance of Bids, Bidder information and Bid results;</p> <p>(d) The Contract Manager is responsible for determining the requirements and preparing detailed specifications or statements of work and quantity requirements on behalf of their Department;</p> <p>(e) The Manager or Buyer is responsible for reviewing the specifications or statements of work and quantity requirements, developing an appropriate Bid Request and evaluation method and criteria ensuring that the principles outlined in Section 7 are followed;</p> <p>(f) Following Bid review and/or evaluation and determination of the recommended Bidder(s), approval to Award the Contract(s) is required in accordance with Section 14.</p>	
--	--

Appendix 1: Comparison of Current and Proposed By-law

<p>Section 13 – Single Source, And Emergency Procurement, And Innovation</p> <p>(1) Single Source Procurement:</p> <ul style="list-style-type: none"> (a) A Procurement Request Form must be completed by the Contract Manager; (b) A Single Source Procurement may be conducted only if it meets the specific criteria set out in Schedule “A”; (c) The Contract Manager must prepare a justification and shall obtain approval from the Manager or Senior Buyer that the proposed Procurement meets the Schedule “A” criteria; (d) The Chief Procurement Officer shall have the final right of determination as to whether the relevant Schedule “A” criteria are met; (e) Written proposals bids should be obtained from Single Source Suppliers, in response to a City issued request or procedure, where applicable. If it is not applicable to obtain a written proposal-bid, justification is required; (f) This section applies to Medium Value Acquisitions and High Value Acquisitions only. Low Value Acquisitions are not required to meet the Schedule “A” criteria; (g) Approval to Award a Contract is required in accordance with Section 14. <p>(2) Emergency Procurement:</p> <ul style="list-style-type: none"> (a) In an Emergency, the Procurement of Goods and/or Services may be authorized without a competitive 	<p>Section revised for clarity</p> <p>Added (3) Innovation Procurement to allow for proof of concepts and to establish framework for authority to proceed with an innovation or proof of concept procurement</p>
---	--

Appendix 1: Comparison of Current and Proposed By-law

<p>process. The Contract Manager shall, if possible, contact the Manager or Buyer for direction on an appropriate Procurement process and possible sources of supply;</p> <p>(b) As promptly as possible, the Contract Manager shall prepare a Procurement Request Form to initiate the Award and Contract execution requirements;</p> <p>(c) Approval of an Emergency Procurement shall be in accordance with Schedule "B". Contract execution, also in accordance with Schedule "B", may occur after the Procurement has taken place.</p> <p>(3) Innovation Procurement:</p> <p>(a) The Procurement of Goods and/or Services may be deemed and authorized as a competitive process in accordance with Schedule "B", without Council approval, provided the following conditions are met:</p> <p>(i) a Procurement Request Form is completed by the Contract Manager;</p> <p>(ii) the Procurement is for innovative Goods and/or Services that reasonably propose to improve existing City services;</p> <p>(iii) the Procurement is being undertaken as a pilot or proof of concept;</p> <p>(iv) an ACAN is issued that results in no other alternate Bidders providing an acceptable statement of capabilities for the Goods and/or Services; and</p> <p>(v) the term of the Contract does not exceed twelve (12) months;</p> <p>(b) If the criteria in Section 13(3)(a) are not met,</p>	
--	--

Appendix 1: Comparison of Current and Proposed By-law

<p>the Procurement shall not proceed unless approved as a Single Source Procurement in accordance with Schedule "A";</p> <p>(c) This section applies to Medium Value Acquisitions and High Value Acquisitions only. Low Value Acquisitions are not required to meet the criteria in Section 13(3)(a);</p> <p>(d) Approval to Award a Contract is required in accordance with Section 14.</p>	
<p>Section 14 – Authority to Approve Awards</p> <p>(1) Award approval shall be executed on a Procurement Authorization Request Form and in accordance with Schedule "B" and the following:</p> <p>(a) Departmental approval of an Award shall provide confirmation that:</p> <ul style="list-style-type: none"> (i) Funds are available; (ii) The available funds are for the purpose of the subject Procurement; (iii) The Goods and/or Services are legitimately required for City purposes; (iv) The specifications or scope of work and requirements meet the Department's objectives for the Procurement; (v) The recommended Award(s) is/are fully substantially compliant with the specifications or statement of work and requirements as stated in the Bid Request; (vi) The operational terms and conditions are satisfactory; and (vii) The recommended Supplier(s) is/are satisfactory. 	<p>Section revised for clarity</p>

Appendix 1: Comparison of Current and Proposed By-law

<p>(b) Procurement Services approval of the Award shall provide confirmation that:</p> <ul style="list-style-type: none"> (i) Departmental and/or Council approval of the Award, as applicable under Schedule “B”, has been obtained; (ii) There are no unresolved Bid protests; (iii) The Procurement process was conducted in accordance with this By-law; (iv) The recommended Award is for the Best Value Bid or the lowest priced compliant Bid from among the Bids received; (v) The recommended Award is consistent with the Award methodology stated in the Bid Request; (vi) An upset limit or total expenditure has been identified; and (vii) In the case of Single Source Awards, verification that the Award is justified and appropriate in accordance with the criteria set out in Schedule “A”. 	
<p>(c) Council approval of an Award is required in the event of one or more of the conditions listed below:</p> <ul style="list-style-type: none"> (i) Funds are not available; (ii) The Bid is not the Best Value Bid from among the Bids received; (iii) There are no unresolved Bidder protests: (iv) The Award is for a Special Relationship as described in Section 23; (v) The Contract term, including any renewals exceeds ten (10) years, except where an interim extension has been approved in accordance with policy; (vi) The recommended Award is not provided for in this By-law but there are compelling reasons for making the Award; 	

Appendix 1: Comparison of Current and Proposed By-law

<p>(vii) At the discretion of the Chief Procurement Officer.</p> <p>(d) Where Council approval for an Award is required, the Department Head shall report to Council. The Chief Procurement Officer may specify the form and shall require the inclusion of appropriate Procurement content, including the recommendation(s), in any report.</p> <p>(a) Despite paragraph (1)(c), Council approval of the Award is not required and approval shall be by the Chief Procurement Officer if the Award is:</p> <p>(i) In the specific instances stipulated in Section (1) (d) (f) or (k) of Schedule "A"; or</p> <p>(ii) For construction services, including design, provided by utilities, railway companies, or adjacent property owners required by the City as a result of City road or building construction.</p> <p>(2) Upon approval to Award as required in this Section 14, Contract execution may take place in accordance with Section 15.</p>	
Section 15 – Authority to Execute Contracts	No change
Section 16 – Cancelling and Reissuing Bid Requests	No change
Section 17 – Bidder Enquiries, Complaints and Protests	No change
<p>Section 18 – Point of Contact</p> <p>(1) Point of Contact refers to the Staff responsible for managing communications to and from Bidders, City employees and Council during a Procurement process.</p> <p>(2) For Medium Value Acquisitions, unless otherwise specified by the Buyer, the Contract Manager is the Point of Contact and</p>	Section revised for clarity

Appendix 1: Comparison of Current and Proposed By-law

<p>shall respond to all communications, including issuing addenda as required, from the date a Bid Request is issued until an Award is announced. Bidder complaints or protests shall be forwarded to the Buyer.</p> <p>(3) For High Value Acquisitions, the Manager or the Buyer is the official Point of Contact and shall respond to all communications, working in consultation with the Contract Manager, and issuing addenda as required.</p> <p>(4) Any Bidder found to be in breach of this section is subject to disqualification from participating in the current Bid Request.</p>	
Section 19 – Receipt and Opening of Bids	No change
Section 20 – Amendments, Interim Extensions, Renewals & Terminations <p>(1) Contracts may be amended, extended on an interim basis for a period of up to one (1) year, renewed or terminated in accordance with applicable City policy and procedures.</p>	Section revised for clarity
Section 21 – Unsolicited Proposals Bids <p>(2) If it is determined that there is a legitimate need for the Goods and/or Services offered by way of an unsolicited proposal bid, then a Procurement process shall be conducted in accordance with this By-law and applicable City policy and procedures.</p>	Section revised for clarity
Section 22 – Co-Operative Procurement	No change
Section 23 – Special Relationships	No change
Section 24 – Supplier Disputes and Supplier Performance Bid Protests <p>(1) The Contract Manager shall be responsible for responding to Supplier issues and resolving Supplier disputes.</p>	Updated language to move procedural language to policy

Appendix 1: Comparison of Current and Proposed By-law

<p>(2) The Manager or the Buyer shall in consultation with the Legal Services Division and appropriate Departmental staff resolve Supplier disputes not otherwise resolved by the Contract Manager.</p> <p>(3) The Contract Manager and Buyer shall maintain records of poor Supplier performance on all Contracts which shall be used to ensure Contract compliance, to supplement a prequalification process review or to justify rejecting a Bid or disqualifying a Bidder</p> <p>(1) Bid protests shall be submitted and managed in accordance with applicable City policy and procedures.</p>	
<p>Section 25 – Disqualification of Bidders Supplier Performance and Suspension</p> <p>(1) Contracts with Suppliers shall be managed, and the performance of Suppliers shall be monitored and evaluated, in accordance with applicable City policy and procedures. The Chief Procurement Officer may disqualify a Bidder from eligibility to submit Bids where there is documented evidence of poor performance or non performance under a Contract, or there is documented evidence that the Bidder either violated a provision of this By-law or a Bid Request or submitted an improper Bid or has brought a frivolous and vexatious lawsuit against the City as determined by the Chief Procurement Officer. The disqualification period will be for up to five years from written notification to the Bidder.</p> <p>(2) The Chief Procurement Officer may suspend a Bidder or Supplier from participating in future procurements in accordance with applicable City policy and procedures. The suspension period shall be for up to five (5) years from written notification to the Bidder.</p> <p>(3) The Chief Procurement Officer may disqualify suspend a Bidder from the Bid Request process for which the Bidder is</p>	<p>Updated language to move procedural language to policy and to align with policy framework</p>

Appendix 1: Comparison of Current and Proposed By-law

<p>found to be in violation of Section 18 (Point of Contact).</p> <p>(4) Disqualified Suspended Bidders will be notified of their ineligibility and shall have the right to protest in accordance with applicable City policy and procedures.</p>	
Section 26 – Disposition of Surplus Goods	No change
<p>Section 27 – Information Reports</p> <p>(1) The Chief Procurement Officer shall provide information reports, on a monthly basis, to the Mayor and members of Council for all High Value Acquisition Contracts awarded or amended in the previous month. The information reports shall include the name of the Supplier(s) and the Contract amount or the amended Contract amount.</p> <p>(2) The Manager shall post information reports, on a monthly basis, on the City's external website for all High Value Acquisition Contracts awarded in the previous month, including the name of the Supplier(s) and the Contract amount.</p>	Updated to align with practice. All HVA contracts awarded are published publicly on the City's website so formal reporting to the Mayor and Members of Council are not required.
Section 28 – Records	No change
Section 29 – Review Committees	No change
Section 30 – Severing	No change
Section 31 – Interpretation	No change
<p>Schedule 'A'</p> <p>(1) Pursuant to Section 13 Single Source and Emergency Procurement (Medium Value Acquisitions and High Value Acquisitions), of the By-law, Single Source and Emergency Procurements for Medium Value and High Value Acquisitions may be conducted using a Single Source Supplier only if one or more of the conditions listed below apply, the Chief Procurement Officer or Manager having the right of final determination, and a process is undertaken to obtain the Best Value under the circumstances:</p>	Updated to align with changes to Section 13

Appendix 1: Comparison of Current and Proposed By-law

<ul style="list-style-type: none"> (a) The Goods and/or Services are only available from one Supplier due to a statutory or market based monopoly; (b) There is a scarcity of supply in the market; (c) The Goods and/or Services are unique to one particular supplier and no reasonable alternative or substitute exists due to exclusive rights such as patent, copyright or licence; (d) No Bids were submitted; (e) No acceptable Bids were submitted; (f) The Goods and/or Services are required as a result of an Emergency which would not reasonably permit the solicitation of competitive Bids; (g) There is a need to limit the distribution of confidential or security related information; (h) For additional Goods and/or Services from the original Supplier that were not included in the original Procurement, if the change of Supplier for such additional Goods and/or Services cannot be made for: <ul style="list-style-type: none"> (i) Economic or technical reasons such as requirements of interchangeability or interoperability with existing equipment, software, services or installations procured under the initial Procurement; and (ii) Would cause significant inconvenience or substantial duplication of costs for the City. (i) The Goods and/or Services are purchased under circumstances which are exceptionally advantageous to the City, that arise in the short term such as in the case of a bankruptcy, liquidation or receivership but not for routine purchases from regular suppliers; (j) Deleted by By-law 0145-2023; (k) It is advantageous to the City to acquire the Goods and/or Services directly from another Public Body; (l) The Goods and/or Services are a particular brand that is intended solely for resale and/or use by the public and no other brand is desirable and the brand 	
---	--

Appendix 1: Comparison of Current and Proposed By-law

<p>is not available from any other source;</p> <p>(m) A need exists for compatibility with, or for the maintenance and support of, a City Standard;</p> <p>(n) A need exists to avoid violating warranties and guarantees where support or Service is required for a City Standard;</p> <p>(o) Instructors, coaches, trainers and other specialized services for recreation programs for which Bids cannot readily be called.</p>	
<p>Schedule ‘B’</p> <p>Footnote 5: The role of the Chief Procurement Officer can only be delegated to the Commissioner appointed by Council with administrative responsibility for Procurement Services. Where the City has made the decision to use a procurement process for a Contract under which the City will receive revenue from a Supplier, the authority limits set out in this Schedule “B” shall apply to the total revenue payable under the Contract. In this section, “total revenue” means the total revenue payable to the City during the full term of the Contract including any optional extensions, excluding the Harmonized Sales Tax.</p>	<p>Updated to reflect new definition of Chief Procurement Officer and to address revenue generating contracts.</p>
<p>Schedule ‘C’</p> <p>The following types of Procurements shall be conducted with legal advice provided by the Legal Services Division and the Contracts (including any amendments, if required) executed for these types of Procurements shall be prepared in concert with the Legal Services Division:</p> <p>(1) Any Procurement with a value of \$500,000.00 or more;</p> <p>(2) Co-operative Procurements, in accordance with section 22 of the By-law;</p> <p>(3) Procurements for a Contract with a term of more than 5 years;</p> <p>(4) Procurements in relation to money handling and financial services;</p> <p>(5) High Value Procurements involving technology;</p> <p>(6) Special relationship arrangements under section 23 of the By-law;</p>	<p>Updated to reflect changes to Section 13 of Bylaw outlined above.</p>

Appendix 1: Comparison of Current and Proposed By-law

<p>(7) Procurements where personal information will be collected, accessed or maintained by the City, or by a Supplier on behalf of the City;</p> <p>(8) Any other Procurements at the discretion of the Manager or designate, or the Departmental Director or designate;</p> <p>(9) Procurements involving Goods/Services acquired by Public Bodies through their own competitive process. Innovative Goods and/or Services under section 13(3) of the By-law;</p> <p>(10) For work requested and paid for by property owners adjacent to construction or maintenance periods performed by Suppliers under Contract with the City.</p>	
<p>Schedule 'D' Manager, Procurement Services Each <u>The</u> Manager, in Procurement Services is responsible for...</p>	<p>Updated to reflect changes to position titles.</p>