

CORPORATION OF THE TOWNSHIP OF RUSSELL

By-law # 2019-085

Being a by-law to provide for an updated Purchasing Policy for procurement of goods and services by the Corporation of the Township of Russell.


WHEREAS Section 270 of the Municipal Act, 2011, stipulates that a municipality shall adopt policies with respect to its procurement of goods and services; and

WHEREAS the *Canadian Free Trade Agreement (CFTA)*, the *Comprehensive Economic and Trade Agreement (CETA)* and the *Ontario-Quebec Trade and Cooperation Agreement (OQTCA)* were enacted by our Federal and/or Provincial governments imposing stricter rules to public procurement processes; now therefore be it


RESOLVED THAT THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF RUSSELL ENACTS AS FOLLOWS:

1. **THAT** the Council of the Corporation of the Township of Russell adopts the Purchasing Policy for the procurement of goods and services by the Corporation of the Township of Russell attached as schedule A.
2. **THAT** By-law 65-2013, known as the Purchasing Policy of the Corporation of the Township of Russell, previously approved on June 17, 2013, and its amendment, being By-law 2015-98, previously approved on September 8, 2015, be and the same are hereby repealed effective on the date this by-law comes into force.
3. **THAT** this By-Law shall come into force and take effect upon final reading thereof.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS
4TH DAY OF JUNE 2019.




Pierre Leroux
Mayor



Joanne Camiré Laflamme
Clerk

Schedule A to By-law 2019-085

 <p>Municipalité de RUSSELL Township</p>	Policy / Politique no:
	Title /Titre: Purchasing Policy / Politique d'achat
	Department/ Département : All department / Tous les départements
Effective date / Date d'entrée en vigueur : June 4 juin 2019	By-Law / Règlement no : 2019-085
Revision date / Date d'entrée en vigueur de révision : June 4 juin 2024	Resolution/ Résolution no :
Prepared by/ Préparé par : Richard Godin Director of Finances - Treasurer	
Approved by / Approuvé par : Jean Leduc Chief Administrative Officer / Directeur général	

Schedule A to By-law 2019-085

Contents

1) PURPOSES, GOALS AND OBJECTIVES OF THIS BY-LAW.....4

2) DEFINITIONS.....5

3) APPLICATION.....9

4) RESPONSIBILITIES AND AUTHORITIES9

5) REQUIREMENT FOR APPROVED FUNDS 12

6) VALUATION OF CONTRACTS/PURCHASES (DOLLAR VALUE) 122

7) ADVERTISING OF PURCHASING OPPORTUNITIES 13

8) PURCHASING DOCUMENTATION 14

9) METHODS OF PURCHASING 154

10) REQUEST FOR PRE-QUALIFICATION OF ACCEPTABLE SUPPLIERS 155

11) REQUEST FOR EXPRESSIONS OF INTEREST 177

12) PETTY CASH..... 17

13) LOW VALUE PURCHASES (UP TO \$10,000 EXCLUDING TAXES) 18

14) REQUEST FOR INFORMAL QUOTATIONS (RFIQ) 18

15) REQUEST FOR QUOTATIONS (FORMAL) 18

16) REQUEST FOR TENDERS 19

17) REQUEST FOR PROPOSALS.....20

18) STANDING OFFERS.....21

19) PURCHASE OF USED EQUIPMENT21

20) SPECIAL CIRCUMSTANCE PURCHASES.....22

21) CO-OPERATIVE PURCHASING / BUYING GROUP PURCHASING.....22

22) SOLE SOURCE PURCHASES / LIMITED TENDERING23

23) NEGOTIATION.....24

24) ROSTER FOR PROFESSIONAL OR SPECIALIZED SERVICES25

25) FORMAL BID PROCESS.....26

26) DISQUALIFICATION OF A SUPPLIER/BIDDER27

27) REPORTING PROCEDURES27

28) PRESCRIBED COUNCIL APPROVAL27

29) DOCUMENT EXECUTION AUTHORITY.....28

30) NOTICE OF AWARD (DOLLAR VALUE > \$100,000)28

Schedule A to By-law 2019-085

31)	BIDDER DEBRIEF	28
32)	SUBSTANTIVE OBJECTION PROCEDURE	29
33)	FINANCIAL SECURITIES AND INSURANCE.....	29
34)	BID IRREGULARITIES	31
35)	FORM OF CONTRACT.....	31
36)	SUPPLIER PERFORMANCE.....	32
37)	LOBBYING RESTRICTIONS.....	32
38)	ACCESS TO INFORMATION.....	32
39)	SURPLUS ASSETS	33
40)	RECORD RETENTION	33
41)	COMPLIANCE.....	33
42)	ENVIRONMENTALLY SOUND ACQUISITIONS.....	34
43)	IN-HOUSE BIDS.....	35
44)	PROVIDING ASSISTANCE	35
45)	CONFLICT OF INTEREST	35
46)	SEVERABILITY	36
47)	EXEMPTIONS.....	36
48)	REVIEW/REJECTION OF BIDS	36
49)	BY-LAW REVIEW.....	37
50)	REPEAL	37
	Schedule "A" (Excluded Contracts and Transactions).....	39
	Schedule "B" (Responses For Administering Irregularities Contained In Bids).....	42
	Schedule "C" (Method of Procurement, Purchasing Authority and Execution Authority Summary).....	44
	Schedule "D" (Declaration of Interest Form)	50
	Schedule "E" (Bid Approval Report Form).....	52
	Schedule "F" (Contractor Pre-Qualification)	53

Schedule A to By-law 2019-085

1) PURPOSES, GOALS AND OBJECTIVES OF THIS BY-LAW

The purposes, goals and objectives of this by-law and of each of the methods of Purchasing authorized herein are:

- (a) to encourage competitive bidding;
- (b) to ensure objectivity and integrity in the Purchasing process;
- (c) to ensure fairness between bidders;
- (d) to maximize savings for taxpayers;
- (e) to offer a variety of Purchasing methods, and to use the most appropriate method depending on the particular circumstances of the acquisition;
- (f) to the extent possible, to ensure openness, accountability and transparency while protecting the best interests of the Corporation and the taxpayers of the Township of Russell;
- (g) to obtain the best value for the Corporation when procuring Goods and/or Services;
- (h) to conduct procurements in compliance with the *Canadian Free Trade Agreement (CFTA)*, the *Comprehensive Economic and Trade Agreement (CETA)* and the *Ontario-Quebec Trade and Cooperation Agreement (OQTCA)*;
- (i) to avoid real and perceived conflicts between the interests of the Corporation and those of the Corporation's Employees and elected officials and to ensure compliance with the *Municipal Conflict of Interest Act*, R.S.O. 1990, c.M.5, as amended;
- (j) to promote, and incorporate wherever possible in Purchasing activities of the Corporation, the requirements of the *Ontarians with Disabilities Act, 2001*, S.O. 2001, c. 32, as amended;
- (k) to maintain timely and relevant policies and procedures, and to this end it is intended that this by-law be reviewed at least every five (5) years or earlier, to evaluate its effectiveness as per Section 49 (By-law Review).

Schedule A to By-law 2019-085

2) **DEFINITIONS**

(a) In this by-law,

"Award" means authorization to proceed with the Purchase of Goods and/or Services from a chosen Supplier;

"Bid" means an offer or submission from a Supplier in response to a Bid Solicitation which is subject to acceptance or rejection by the Corporation;

"Bid Approval Report" means a report prepared for the approval authority which is used to request, and to obtain approval to Purchase of Goods and/or Services and is executed by the Purchasing Authorities as set out in Schedule "C";

"Bid Deposit" means the form of security required by the terms and conditions of Bid Solicitations to guarantee that the successful Supplier enters into a Contract with the Corporation, as required by Section 33 (Financial Securities and Insurance);

"Bid Solicitation" means a formal request for Bids including a Request for Informal Quotation, Request for Quotation, Request for Pre-Qualification, Request for Tender, Request for Proposal;

"Bid Solicitation Notice" means the public notice that is posted on the tendering website used by the Corporation in connection with Bid Solicitations that, as applicable, complies with the procedural and information requirements set out in the Trade Agreements;

"Budget" means the annual budget of the Corporation or portion of the annual budget approved by Council;

"Chief Administrative Officer" or "CAO" means the Chief Administrative Officer of the Corporation, his or her Designate or any successor position thereto;

"Clerk" means the Clerk of the Corporation or his or her Designate;

"Compliant Bid" means a Bid that meets the terms and conditions of the Bid Solicitation and this by-law;

"Conflict of Interest" means a situation where a personal, business or other interest of an elected or appointed official, officer or Employee of the Corporation is, or can be reasonably be perceived to be, in conflict with the interests of the Corporation, and includes, but is not limited to:

- a) the giving or receiving of a direct or indirect personal gain or benefit, or a direct or indirect advantage or privilege, by any person or business that offers Goods and/or Services to the Corporation;
- b) a direct or indirect pecuniary interest in any business that provides Goods and/or Services to the Corporation;
- c) a direct or indirect pecuniary interest to which section 5 of the *Municipal*

Schedule A to By-law 2019-085

Conflict of Interest Act applies;

"Construction" means a Service that has as its objective the realization by whatever means of civil or building works based on Division 51 of the United Nations Provisional Central Product Classification (CPC) (*CFTA, CETA*), such as construction, reconstruction, demolition, repair or renovation of a building, structure or other engineering or architectural work and includes site preparation, excavation, drilling, soil or seismic investigation, the supply of products and materials and the supply of equipment and machinery incidental to the construction, and the installation and repair of fixtures of a building, structure or other engineering or architectural work;

"Contract" means a binding agreement between two or more parties that creates an obligation on the Supplier to provide Goods to, or perform Services for, the Corporation in exchange for payment or other consideration from the Corporation;

"Corporation", "Municipality", or "Township" means The Corporation of the Township of Russell;

"Council" means the Council of The Corporation of the Township of Russell;

"Department" means any Department of the Corporation including any division within a Department;

"Department Head" means a position authorized in writing by the CAO to Purchase Goods and/or Services up to the value of their prescribed signing authority and which written authorization must be filed with the Director of Finance;

"Designate" means a person authorized in writing to act on behalf of another during his or her absence, which written authorization has been filed with the Director of Finance;

"Director of Finance" means the Director of Finance of the Corporation, his or her Designate or any successor position thereto;

"Disposal" means the selling, trading, assignment and/or scrapping of surplus assets;

"Dollar Value" has the meaning assigned in Section 6 (Valuation of Contracts/Purchases);

"Employee" means full-time, part-time, student, temporary, contractual employee of the Corporation and shall include members of the fire department;

"Fair Market Value" means the price that would be agreed to in an open and unrestricted market between knowledgeable and willing parties dealing at arm's length who are fully informed and not under any compulsion to transact;

"Formal Bid Process" means the process for receipt of Bids, as outlined in Section 25 (Formal Bid Process);

"Goods" means moveable property including raw materials, products, equipment and other physical objects of every kind and description whether in solid, liquid, gaseous or electronic form; (*CFTA*)

Schedule A to By-law 2019-085

"Immediate Family" means the spouse, common-law spouse, father, mother, brother, sister, son, daughter, stepbrother, stepsister, stepson, stepdaughter and grandchildren of an Employee of the Corporation;

"In-House Bid" means a Bid made by one or more Employees of the Corporation, which process has been authorized by Council, submitted in response to a Bid Solicitation, where the provision of the Goods and/or Services will be provided by the Employees of the Corporation;

"Low Value Purchases" are Purchases described in Section 13;

"Lowest Compliant Bid" means the Compliant Bid that would provide the Corporation with the desired Goods and/or Services at the lowest cost;

"Methods of Purchasing" has the meaning assigned in Section 9;

"Negotiation" means a Purchasing method whereby the Corporation may negotiate directly with one or more Suppliers with the intent to Award a Contract or extend an existing Contract;

"Posting Time" has the meaning assigned in Section 7 (Advertising of Purchase Opportunities);

"Professional Services" means those Services requiring the skills of professionals for a defined Service requirement including:

- a) architects, engineers, designers, surveyors, geoscientists, project managers, financial consultants, auditors, accountants, and medical professionals such as doctors, dentists and lawyers;
- b) firms or individuals having specialized competence in environmental, planning or similar disciplines; and
- c) software consultants and any other persons providing similar Services;

"Purchase" means to acquire Goods and/or Services by purchase, rental, lease or trade;

"Purchase Order" means a written order issued by the Corporation in connection with the purchase of Goods and/or Services at a specific cost;

"Purchasing" means the process for obtaining Goods and/or Services;

"Purchasing Department" means the Department responsible for the purchase of Goods or Services in accordance with this by-law;

"Quotation" means a Bid including price, terms of sale and description of Goods and/or Services offered by a Supplier in response to an RFQ;

"Recurring Contracts" has the meaning assigned at Section 6 (Valuation of Contracts/Purchases);

Schedule A to By-law 2019-085

“Reporting Procedure” is the procedure described at Section 27;

"Request for Expression of Interest" or "RFEOI" means a non-binding public request made by the Corporation seeking responses from potential Suppliers for the purposes of determining the level of interest in providing specified Goods and/or Services to the Corporation;

“Request for Informal Quotation” or “RFIQ” means a limited public request by the Corporation seeking submissions from a specific number of Suppliers for purchases greater than \$10,000 and not exceeding \$25,000;

"Request for Pre-Qualification" or "RFPQ" means a public request by the Corporation seeking submissions from potential Suppliers outlining the experience, financial strength, education, background and significant personnel of potential Suppliers for purpose of establishing a list of qualified Suppliers who may, from time to time, be called upon to supply Goods and/or Services to the Corporation;

"Request for Proposal" or "RFP" means a request for proposals by the Corporation made in accordance with Section 17 (Request for Proposals), seeking proposals from Suppliers to supply Goods and/or Services;

"Request for Quotation" or "RFQ" means a request for quotations from potential Suppliers for the provision of Goods and/or Services made in accordance with Section 14 (Request for Informal Quotations) and Section 15 (Request for Quotations) of this by-law;

"Request for Tender" or "RFT" means a request for Tenders by the Corporation made in accordance with Section 16 (Request for Tenders);

“Services” means all services including Construction Services; (*CFTA, CETA*)

"Sole Source" means that the Goods and/or Services are available from only one Supplier as further clarified in in Section 22 (Sole Source Purchases/Limited Tendering);

"Special Circumstance" has the meaning assigned in Section 20 (Special Circumstance Purchases);

"Specialized Services" means those Services requiring the skills of trades including, but not limited to electrical, mechanical, drywall, painting, HVAC, roofing, plumbing, electronics, and insulation;

“Standing Offer” means an offer from a Supplier that allows the Corporation to purchase Goods and/or Services as and when requested, during a specific period of time, through the use of a call-up process which incorporates the conditions and pricing of the standing offer;

"Substantive Objection" means a written objection provided to Purchasing Services from a Supplier with respect to a Bid Solicitation giving specific reasons for the objection;

Schedule A to By-law 2019-085

"Supplier" means any individual or organization offering Goods and/or Services including but not limited to contractors, consultants, vendors and service organizations;

"Surplus Assets" has the meaning assigned in Section 39;

"Tender" means a written detailed offer from a Supplier to supply Goods and/or Services to the Corporation for a specified price in response to an RFT;

"Trade Agreements" means the Canadian Free Trade Agreement (CFTA), the Comprehensive Economic and Trade Agreement (CETA) and the Ontario-Quebec Trade and Cooperation Agreement (OQTCA);

"Two Envelope Method" means a Bid submitted in response to a Request for Proposal which requires the submission in separate bid envelopes, where the Bid is evaluated as outlined in Subsection 17(c).

(b) Schedules "A", "B", "C", "D" and "E" attached hereto form part of this by-law.

3) **APPLICATION**

(a) The policies and procedures outlined in this by-law, including all of the purposes, goals, and objectives of Section 1 hereof, shall be followed for the Purchase of all Goods and/or Services by the Corporation or any of its officers and Employees.

(b) The Methods of Purchasing set out in Sections 9 to 22, and the Reporting Procedures set out in Section 27 (Reporting Procedures), shall not apply to the purchase of those Goods and Services outlined in Schedule "A" (Excluded Contracts and Transactions). This provision provides authority for the purchase of Goods and Services outlined in Schedule "A" as long as the funding is available in the Budget.

(c) Any Contracts necessary to complete the purchase of Goods and/or Services outlined in Schedule "A" shall be signed by the CAO or the appropriate signing authority as set out in the Corporation's delegation of authority by-law.

(d) Purchases may be made only when:

i) The Contract (if applicable) has been prepared in a form satisfactory to the Department Head and/or Chief Administrative Officer;

ii) Any financial securities and insurance required under the Contract are satisfactory to Director of Finance; and

iii) Funding is available in the Budget for the Purchase.

4) RESPONSIBILITIES AND AUTHORITIES

The Director of Finance shall have all the necessary authority to administer this by-law and to carry out his or her duties on behalf of the Corporation.

(a) The Director of Finance is responsible to and shall have the authority to:

- (i) Acquire or dispose of Goods and/or Services;
- (ii) Establish procedures for the call, receipt, opening and review of Bids;
- (iii) Establish administrative procedures and policies for the implementation of this by-law;
- (iv) Establish, through consultation with the Chief Administrative Officer, standards for Bid Solicitations, Purchase Orders, Contracts and other documents;
- (v) Establish, through consultation with the user Department and Chief Administrative Officer, the terms and conditions of Bid Solicitations;
- (vi) Provide guidelines on procurement policies and procedures and the structure, format and general content of Bid Solicitations;
- (vii) As requested, review proposed Bid Solicitations to ensure clarity, reasonableness and quality and advise staff of suggested improvements;
- (viii) Ensure open, fair and impartial Purchasing processes for Goods and/or Services;
- (ix) Ensure compliance with this by-law and advise the Chief Administrative Officer when there has been non-compliance. The Chief Administrative Officer shall take appropriate action to address and correct any non-compliance;
- (x) Develop co-operative Purchasing plans with other units of government or their agencies or public authorities, where deemed beneficial to the Corporation;
- (xi) Ensure annual review of Purchasing authority delegation;
- (xii) Promote the standardization of Goods and/or Services, where such standardization demonstrably supports the purposes, goals and objectives of this by-law; and
- (xiii) Carry out any other delegated authorities not part of this list and prescribed in this by-law.

(b) Resolutions approving Budget amendments, capital expenditures or special appropriations shall specify the purpose of the expenditure, cost estimates or expenditure limitation, and shall specify from which fund an appropriation has been provided. All Department Head reports recommending such resolutions shall contain the Chief Administrative Officer's endorsement;

Schedule A to By-law 2019-085

- (c) The Chief Administrative Officer or Designate has the authority to instruct the Department Head not to award a Contract and may direct staff to submit recommendations to Council for approval and may provide additional restrictions concerning procurement where such action is considered necessary and in the best interests of the Municipality and, in doing so, shall consider legal and other risks associated with such action;
- (d) Notwithstanding delegated Purchasing authorities in Schedule "C", Council may direct the CAO, prior to issuance of the Bid Solicitation, to submit recommendations of selected Suppliers to Council for approval when such action is considered necessary and in the best interests of the Municipality and, in doing so, shall consider associated risks;
- (e) The Department Head will have the following specific responsibilities:
 - (i) Approval of accounts within the approved Budget for such department or any amendment to same as approved by Council;
 - (ii) As unspecified capital expenditures in the annual Budget require prior Council approval by resolution, the Department Head shall prepare a report recommending such resolution and/or by-law containing the Chief Administrative Officer's endorsement.
 - (iii) Where appropriate and in the best interests of the Municipality but subject to the Dollar Value triggering the requirements of the Trade Agreements and this by-law, make purchases of Goods and Services locally when the quality, price, and cost of ownership of the merchandise compare favorably with other Suppliers outside of the Township.
 - (iv) With the written approval of the Chief Administrative Officer and/or Director of Finance, may delegate to an Employee or Employees, all or part of his or her authority/responsibility, which authority may be limited to a particular type of purchase of Goods and/or Services. A copy of the appointment must be forwarded to the Director of Finance;
- (f) Department Head or Designate will also have the following specific responsibilities:
 - (i) Ensuring that all Contract terms and conditions comply with the Bid Solicitation;
 - (ii) Preparing and approving all specifications and terms of reference;
 - (iii) Managing Contracts to ensure Goods and/or Services are received by the Corporation and comply with Contract terms and conditions;
 - (iv) Monitoring all Contract expenditures and ensuring that all financial limitations have been complied with and that all accounts are paid within the times set out in the Contract;
 - (v) Monitoring the performance of Suppliers and documenting any performance deficiencies;

Schedule A to By-law 2019-085

- (vi) Standardizing the use of Goods and/or Services, where such standardization demonstrably supports the purposes, goals and objectives of this by-law; and
 - (vii) Ensuring that all Goods and/or Services purchased have been received and recording receipt in the form prescribed by the Department Head;
 - (viii) Ensuring that an original copy of all bids, contracts and the tender opening sheet be provided to the Clerk to file.
- (g) The Clerk will have the following specific responsibilities:
- (i) Ensuring that all bids have been received before the deadline and indicate the appropriate bid it refers to;
 - (ii) Follow the formal bid process for the public opening;
 - (iii) Ensuring a copy of the tender opening sheet with the results is available for the public upon request;
 - (iv) File an original copy of all bids, contracts and the tender opening sheet received from the Department Head as per the Records Retention By-law.

5) **REQUIREMENT FOR APPROVED FUNDS**

- (a) The authority to award a Contract is subject to the identification and availability of sufficient funds in appropriate accounts within the Budget.
- (b) Where Goods and/or Services are routinely purchased or leased on a multi-year basis, the authority to award a Contract is subject to the following:
 - (i) The identification and availability of sufficient funds in appropriate accounts for the current year within the Budget;
 - (ii) Where the Goods and/or Services will continue to be required in subsequent years, in the opinion of the Director of Finance, the required funding can reasonably be expected to be made available; and
 - (iii) The Contract includes a provision that the supply of Goods and/or Services in subsequent years is subject to the approval by Council of the Budget estimates to meet the proposed expenditures.

6) **VALUATION OF CONTRACTS/PURCHASES (DOLLAR VALUE)**

- (a) In estimating the value of a Purchase or Contract (the “**Dollar Value**”) for the purpose of determining whether certain provisions of this by-law apply, the Corporation shall:
 - (i) estimate what the value would be as of the date the Bid Solicitation Notice will be

Schedule A to By-law 2019-085

published; and (ii) include the estimated maximum total value of the Contract over its entire duration, whether awarded to one or more Suppliers, taking into account all forms of remuneration, including: (i) premiums, fees, commissions, and interest; and (ii) the total value of options if the proposed Contract provides for the possibility of options. (CFTA, CETA)

- (b) If the Contract is for Construction, the Dollar Value shall include the value of all Goods and Services to be supplied by the Supplier.
- (c) If a Purchase of Goods will include the installation, operation, maintenance, or manufacture of such Goods, the Dollar Value shall include in its valuation those associated costs. (CFTA, CETA)
- (d) If an individual Bid Solicitation process results in the Award of more than one Contract, or in the Award of Contracts in separate parts (“**Recurring Contracts**”) the calculation of the Dollar Value shall be based on: (a) the value of Recurring Contracts of the same type of Good or Service awarded during the preceding 12 months or the preceding fiscal year, adjusted, if possible, to take into account anticipated changes in the quantity or value of the Good or Service being procured over the following 12 months; or (b) the estimated value of Recurring Contracts of the same type of Good or Service to be awarded during the 12 months following the initial Award or the fiscal year. (OQTCA, CETA)
- (e) In the case of procurement by lease or rental, or procurement for which a total price is not specified (ie. Standing Offer), the basis for valuation shall be: (a) in the case of a fixed-term Contract: (i) if the term of the Contract is 12 months or less, the total estimated maximum value for its duration; or (ii) if the term of the Contract exceeds 12 months, the total estimated maximum value, including any estimated residual value; (b) if the Contract is for an indefinite period, the estimated monthly instalment multiplied by 48; and (c) if it is not certain whether the Contract is to be a fixed-term Contract, subparagraph (b) shall be used. (OQTCA, CETA)

7) **ADVERTISING OF PURCHASING OPPORTUNITIES**

- (a) All Bid Solicitations exceeding a Dollar Value of \$100,000 for Goods and/or Services excluding taxes shall be advertised using a Bid Solicitation Notice. (OQTCA, CFTA, CETA)
- (b) Each Bid Solicitation Notice must be advertised:
 - (i) On the website for the Corporation and/or an online platform authorized by Director of Finance for posting Bid Solicitation Notices, from the date that the Bid Solicitation is issued up to and including the date on which the Bid Solicitation closes; and, optionally,
 - (ii) One time before the Bid Solicitation closes, in a local newspaper that has a weekly circulation within The Corporation of the Township of Russell.
- (c) Posting Times. When determining the period of time for posting a Bid Solicitation Notice (the “**Posting Time**”), Employees shall provide a reasonable period of time for Suppliers to prepare and submit responsive Bids taking into account factors such as: (i) the nature and complexity of the procurement; (ii) the extent of subcontracting anticipated; and (iii) the time

Schedule A to By-law 2019-085

necessary for transmitting Bid Solicitation documentation by non-electronic means, (*OQCTA*, *CFTA*, *CETA*) provided that the Posting Time shall never be less than fourteen (14) days from the date of publication.

For requirements with a Dollar Value exceeding \$365,000 excluding taxes, regard shall be had to the minimum Posting Time limits prescribed in the *Comprehensive Economic and Trade Agreement* (CETA), as demonstrated in the following tables:

Minimum Posting Time for RFPQ Notices. When the Township issues a RFPQ notice, the final date for submission shall be as follows:

Condition	Minimum time for Posting (from the date notice is posted)
Start with	25 days
If notice is posted by electronic means, reduce by 5 days	20 days
If all documentation is available by electronic means, reduce by an additional 5 days	15 days
If Submissions are received by electronic means, reduce by an additional 5 days	10 days

Minimum Posting Time for Tender Notices. When the Township is using an Open Competitive Process, the notice of tender shall be published as follows:

Condition	Minimum time for Posting (from the date notice is posted)
Start with	40 days
If notice is posted by electronic means, reduce by 5 days	35 days
If all documentation is available by electronic means, reduce by an additional 5 days	30 days
If Submissions are received by electronic means, reduce by an additional 5 days	25 days

Urgency (in accordance with CETA)
If the CAO concurs that a state of extreme urgency renders any of the above Posting Times impracticable, the minimum Posting Time is 10 days

- (d) Any person authorized by this by-law to commence a Purchase process, may (subject to any minimum Posting Times in the CETA), direct that the advertising period as set out above be reduced where it is determined to be in the best interests of the Corporation.
- (e) No advertising is required for Bid Solicitations to be issued to bidders that have been previously pre-qualified in accordance with this by-law.
- (f) Advertising is not required for Sole Source Purchases or exclusions listed in Schedule "A".

8) PURCHASING DOCUMENTATION

- (a) Bid Solicitation documentation for Contracts with a Dollar Value over \$100,000 excluding taxes should avoid the use of technical specifications that require, or refer to, a particular trademark or trade name, patent, copyright, design, type, specific origin, producer, or Supplier. If the technical specifications are used in that manner, the Bid Solicitation document must indicate that it will consider Bids specifying equivalent Goods or Services that demonstrably fulfil the requirement of the Purchase by including words such as “**or equivalent**” in the Bid Solicitation documentation. In exceptional circumstances as explicitly detailed under Section 22 (Sole Source Purchases/Limited Tendering) a Bid Solicitation may specify a specific product or brand name to ensure consistency and to minimize risk to the Corporation. *(OQTC, CFTA, CETA)*
- (b) All changes to the standard Bid Solicitation template and related documents shall be reviewed and approved by the CAO and/or the Corporation's solicitor as authorized by the CAO.

9) METHODS OF PURCHASING

- (a) The method of Purchasing will be determined using one of the Methods of Purchasing set out in Sections 10 to 22 of this by-law (each a “**Method of Purchasing**”). The methods may be utilized individually or in combination with one another, as may be appropriate in the circumstances.
- (b) Should the quoted or Bid price on a Purchase previously approved by Council exceed the original estimated Dollar Value by \$25,000 or more, this is to be reported back to Council for final decision on the Award.
- (c) All Methods of Purchasing, except for the exemptions in Schedule "A" and Low Value Purchases, shall be conducted through or reviewed by the Purchasing Department.

10) REQUEST FOR PRE-QUALIFICATION OF ACCEPTABLE SUPPLIERS

- (a) A Department Head may conduct a Request for Pre-Qualification to develop a list of Suppliers that may be eligible to submit a Bid on subsequent Bid Solicitations or to develop a roster in accordance with Section 24 (Roster for Professional or Specialized Services).
- (b) Pre-qualification may be considered in the following circumstances:
 - (i) The work will require substantial project management by the Corporation and could result in substantial cost to the Corporation if the Supplier is not appropriately experienced;

Schedule A to By-law 2019-085

- (ii) The Goods and/or Services to be purchased must meet national safety standards;
 - (iii) The work involves complex, multi-disciplinary activities, specialized expertise, equipment, materials or financial requirements;
 - (iv) The work involves miscellaneous repairs and Services as required by the Corporation such as plumbers, electricians, mechanics, and drywall contractors and any other such types of professional tradesmanship;
 - (v) There could be substantial impact on the Corporation's operations if the work is not satisfactorily performed the first time; or
 - (vi) Any other circumstances deemed appropriate by the CAO or Council in its sole and unfettered discretion.
- (c) An RFPQ is an invitation for Suppliers to make submissions to be considered to be a pre-qualified Supplier.
- (d) All RFPQ's shall be conducted in accordance with submission instructions in the Bid Solicitation and Section 9 (Methods of Purchasing).
- (e) Where deemed to be appropriate, an RFPQ shall be provided to the potential Suppliers setting out the criteria for pre-qualification which may include, but are not limited to:
- (i) Experience on similar work (firm and staff assigned), subject to the limitations imposed by the Trade Agreements and this by-law;
 - (ii) References provided from other customers for similar work;
 - (iii) Verification of applicable licenses and certificates;
 - (iv) Health and safety policies and staff training; and
 - (v) Financial capability
- (f) A RFPQ notice shall be advertised annually (unless it is a 3-year prequalification – see (g) below) and shall include: (i) the criteria that will be used to pre-qualify Suppliers, unless those requirements are included in the Bid Solicitation documents; (ii) a statement that only the Suppliers on the pre-qualified list will receive further Bid Solicitation Notices for Purchases covered by the list; and (iii) the period of validity of the qualified Supplier list, or if the period of validity is not provided, an indication of the method by which notice will be given of the termination of use of the list. If the list is published electronically, the list shall be made available continuously. *(CFTA, CETA)*
- (g) Where a pre-qualification list will be valid for three (3) years or less, the Corporation may publish the RFPQ only once, at the beginning of the period of validity of the list, provided

Schedule A to By-law 2019-085

that the RFPQ states the period of validity and that further requests will not be published.
(CFTA, CETA)

- (h) For Procurements with a Dollar Value over \$365,000, the Corporation shall allow Suppliers to apply at any time for inclusion on a qualified Supplier list and shall include all qualified Suppliers on the list within a reasonable time. The Corporation shall promptly inform a Supplier of the Township's decision with respect to the application. (CETA)
- (i) All prequalified Suppliers shall be invited to participate in a particular Bid Solicitation or Purchase, unless the RFPQ states any limitation on the number of Suppliers that will be permitted to Bid and the criteria for selecting the limited number of Suppliers. (CFTA, CETA)
- (j) Where a pre-qualification is part of a multi-phase Bid Solicitation process, Supplier submissions will be evaluated and ranked and a short list of pre-qualified Suppliers will be invited to participate in the second step of the multi-phase Purchasing process, which may be within a Request for Proposal or a Request for Tender.
- (k) The RFPQ shall limit any conditions for participation to those that are essential to ensure that a Supplier has the legal and financial capacities, and the commercial and technical abilities, to undertake the relevant Contract. In establishing the conditions for participation, the RFPQ: (a) shall not impose a condition that, in order for a Supplier to participate in a procurement, the Supplier has previously been awarded one or more Contracts by the Corporation; (b) may require relevant prior experience if essential to meet the requirements of the procurement; and (c) **shall not require prior experience within the region, in Ontario or Canada to be a condition of the procurement** without first obtaining the approval from the Director of Finance. (OQTCA, CFTA, CETA)
- (l) In assessing whether a Supplier satisfies the conditions for participation in a particular procurement, the Corporation shall evaluate the financial capacity and the commercial and technical abilities of a Supplier on the basis of that Supplier's business activities and, when the Dollar Value exceeds \$100,000, **without regard to the location of those activities**, unless otherwise approved by the Director of Finance. (OQTCA, CFTA, CETA)
- (m) Following an RFPQ, the list of pre-qualified Suppliers is to be approved by the Chief Administrative Officer or Director of Finance.

11) REQUEST FOR EXPRESSIONS OF INTEREST

The Department Head and/or Director of Finance may conduct a Request for Expression of Interest for the purpose of determining the availability and interest of Suppliers to supply specific Goods and/or Services. The receipt of an expression of interest by the Corporation does not create any obligation between the potential Supplier and the Corporation. The Request for Expression of Interest may be combined with a RFPQ, as appropriate, provided the requirements of the by-law relating to RFPQs are complied with.

12) PETTY CASH

Each Department of the Corporation is authorized to Purchase Goods and/or Services of small value by way of a petty cash fund. Petty cash applies to expenditures of **\$300 or less** from Suppliers that do not hold an account under the Township's name. Employees are not required to complete the Declaration of Interest form attached as Schedule "D".

13) LOW VALUE PURCHASES (UP TO \$10,000 EXCLUDING TAXES)

Department Heads are authorized to procure Goods and/or Services up to a total Dollar Value of \$10,000, excluding taxes. Only Purchases that can be demonstrated to have been made at Fair Market Value shall be made. At least two (2) written Quotations should be solicited where reasonably available, analyzed and the results tabulated by the Department Head. Quotations received shall be evaluated on price and the criteria outlined in the Quotation request to determine the preferred Supplier. Department Heads may procure Goods and/or Services through the following means:

- (a) Purchase Order to the Supplier; or
- (b) Direct invoice from the Supplier approved and signed by the Department Head or Designate with authority to approve the Purchase.

Employees shall complete the Declaration of Interest Form attached as Schedule "D" when procuring Goods and/or Services up to a total Dollar Value of \$10,000, excluding taxes.

**14) REQUEST FOR INFORMAL QUOTATIONS (RFIQ)
(PURCHASES GREATER THAN \$10,000 AND NOT EXCEEDING \$25,000
EXCLUDING TAXES)**

- (a) For Purchases with a Dollar Value greater than \$10,000 and not exceeding \$25,000, excluding taxes, an informal Quotation method shall be utilized. If possible, at least three (3) written Quotations shall be solicited, analyzed and the results tabulated by the Department Head. Quotations received shall be evaluated on price and the criteria outlined in the Quotation request to determine the preferred Supplier.
- (b) The Purchase requisition shall be prepared by the Department Head, for signature and approval in accordance with the Purchasing authorities set out in Schedule "C".
- (c) The Department Head shall issue a Purchase Order when it has received all approvals and documents required by the Request for Informal Quotation and Subsection 14(a).
- (d) The Purchasing Department shall request the approval of the Director of Finance and/or the CAO if three (3) Quotations are not obtained.
- (e) Employees shall complete the Declaration of Interest Form attached as Schedule "D" when submitting an informal Quotation.

**15) REQUEST FOR QUOTATIONS (FORMAL)
(PURCHASES GREATER THAN \$25,000 AND NOT EXCEEDING \$100,000
EXCLUDING TAXES)**

- (a) For Purchases with a Dollar Value greater than \$25,000 and not exceeding \$100,000 excluding taxes, a Request for Quotation may be used to Purchase and shall be issued by the Department Head.
- (b) The Department Head shall gather the relevant information such as specifications, provisions, plans and supplemental general conditions for the Purchase.
- (c) The Department Head may conduct the Bid Solicitation using a list of Suppliers compiled by the Department Head and Finance Department.
- (d) At least three (3) Quotations shall be solicited by the Department Head, analyzed, and the results tabulated.
- (e) All RFQ's shall be conducted by the Department Head in accordance with Section 25 (Formal Bid Process).
- (f) Any Bid irregularities shall be dealt with in accordance with Schedule "B".
- (g) Bids received shall be analyzed and evaluated by the Department Head using the criteria outlined in the Bid Solicitation and this by-law.
- (h) Where an Award is recommended, the Bid Approval Report will be prepared by the Department Head, for signature and approval in accordance with the Purchasing authorities set out in Schedule "C".
- (i) Employees shall complete the Declaration of Interest Form attached as Schedule "D" when submitting a formal quotation.

**16) REQUEST FOR TENDERS
(PURCHASES GREATER THAN \$100,000 EXCLUDING TAXES)**

- (a) For Purchases with a Dollar Value greater than \$100,000, excluding taxes, a Request for Tender may be issued through the Department Head provided that all of the following conditions apply:
 - (i) The Goods and/or Services are adequately defined to permit the evaluation of Tenders based on price alone; and
 - (ii) It is intended that the Lowest Compliant Bid will be accepted.
- (b) All RFT's shall be conducted in accordance with Section 25 (Formal Bid Process).
- (c) The Department Head shall gather the relevant information such as specifications,

Schedule A to By-law 2019-085

provisions, plans and supplemental general conditions for the Purchase. All RFT's shall be advertised in accordance with Section 7 (Advertising of Purchasing Opportunities) except where a list of pre-qualified Suppliers has been compiled in accordance with Section 10 (Request for Pre-Qualification of Acceptable Suppliers).

- (d) Where an RFPQ has previously been conducted, only pre-qualified Suppliers shall be notified and Bids shall only be accepted from pre-qualified Suppliers.
- (e) Any Bid irregularities shall be dealt with in accordance with Schedule "B".
- (f) Bids received shall be analyzed and evaluated by the Department Head using the criteria outlined in the Bid Solicitation and this by-law.
- (g) The Bid Approval Report shall be prepared in accordance with Section 27 (Reporting Procedures).
- (h) All Purchases shall be authorized in accordance with the Purchasing authorities set out in Schedule "C" and all Contracts shall be signed in accordance with the Bid Solicitation documents or as otherwise set out in the Corporation's delegation of authority by-law.
- (i) Employees shall complete the Declaration of Interest Form attached as Schedule "D" when submitting a Bid.

17) REQUEST FOR PROPOSALS (PURCHASES GREATER THAN \$10,000 EXCLUDING TAXES)

- (a) A Request for Proposal shall be issued by the Department Head where the method of Purchasing meets one or more of the following criteria and is not otherwise excluded or exempted pursuant to this by-law:
 - (i) The Purchase is required as a result of a particular problem, requirement or objective;
 - (ii) The selection of the Supplier depends more upon the effectiveness of the proposed solution, rather than the price alone; and/or
 - (iii) The precise Goods and/or Services, or the specifications therefor, are not known or are not definable and it is expected that Suppliers will further define them.
- (b) The Department Head shall conduct the RFP.
- (c) RFPs should require Suppliers to submit a Bid in two (2) sealed envelopes (Two Envelope Method). The first envelope will contain the form of proposal and corporate and key personnel qualifications, methodology, Schedule and any other technical requirements of the Bid Solicitation that is evaluated. The second envelope will contain the proposed fee for the Goods and/or Services and will only be opened once the qualitative analysis has been completed. All Bids will be evaluated based on the evaluation criteria outlined in the Bid Solicitation by an evaluation team.

Schedule A to By-law 2019-085

- (d) RFPs shall be conducted by Department Head in accordance with Section 25 (Formal Bid Process).
- (e) RFPs shall be advertised in accordance with Section 7 (Advertising of Purchasing Opportunities), except where a list of pre-qualified Suppliers has been compiled in accordance with Section 10 (Request For Pre-Qualification of Acceptable Suppliers).
- (f) Any Bid irregularities shall be dealt with in accordance with Schedule "B" (Responses For Administering Irregularities Contained In Bids).
- (g) Bids received shall be analyzed and evaluated by the evaluation team using the criteria outlined in the RFP and this by-law.
- (h) The Bid Approval Report shall be prepared in accordance with Section 27 (Reporting Procedures).
- (i) All Purchases shall be authorized in accordance with the Purchasing authorities set out in Schedule "C" and all Contracts shall be signed in accordance with the Bid Solicitation documents or the Corporation's delegation of authority by-law.
- (j) Employees shall complete the Declaration of Interest form attached as Schedule "D" when submitting a Bid.

18) **STANDING OFFERS**

- (a) The purpose of a Standing Offer is to facilitate the purchase of Goods and Services to be supplied on an ongoing basis at a predetermined amount over a defined period.
- (b) The Department Head may establish Standing Offers using the appropriate Method of Purchasing based upon the Dollar Value to be determined as set out in this by-law. Standing Offers may also be coordinated and issued by the Finance Department for all Township departments as applicable.
- (c) In issuing a Bid Solicitation for a Standing Offer, the Bid Solicitation documents shall indicate how subsequent Purchases will be made from a Supplier under a Standing Offer agreement.
(CFTA)
- (d) Standing Offer terms shall not exceed 36-month period from the date of the Standing Offer approval.
- (e) Employees shall complete the Declaration of Interest Form attached as Schedule "D" when submitting a Bid for a Standing Offer.

19) **PURCHASE OF USED EQUIPMENT**

Providing that such expenditures have been approved in the Budget process, the Department Head or Purchasing Designate is authorized to Purchase used equipment that is sold by other municipalities by private sale or public auction; sold through a vendor licensed to sell used

Schedule A to By-law 2019-085

equipment; by sealed Bid; or by Negotiation providing that:

- (a) The equipment meets or exceeds the departmental equipment requirements.
- (b) It is documented that it is fiscally responsible to purchase a used piece of equipment rather than purchase new.
- (c) If the total expenditure per piece of equipment exceeds \$50,000.00, a report will be forwarded to the Chief Administrative Officer detailing Purchase information and expenses.
- (d) The Department Head or Designate is exempt from the Township's formal Quotation/Tender/RFP process when Purchasing used equipment in accordance with this Section, provided the Purchase qualifies as a Sole Source exception under Section 22 (in particular subparagraph (a)(vii) covering exceptionally advantageous conditions) or as an exemption listed under Schedule "A" (Excluded Contracts and Transactions).

20) **SPECIAL CIRCUMSTANCE PURCHASES**

- (a) In cases of Special Circumstance Purchases as defined in Section 22 (Sole Source Purchases/Limited Tendering), as determined by the operator in charge (in the case of water and waste water), Department Head, or the Chief Administrative Officer, the Purchase of Goods and Services may be authorized in accordance with this section and Schedule "C" (Method of Procurement, Purchasing Authority and Execution Authority Summary).
- (b) All such Purchases must be reported to the CAO and/or the Director of Finance on the following business day. A report shall be submitted to Council by the Department Head, or the Chief Administrative Officer, as soon as reasonably possible, setting out details of any Purchases made pursuant to this authority and the circumstances justifying the action taken.
- (c) Contracts required to effect Special Circumstances Purchases shall be signed by the CAO or as otherwise set out in the Corporation's delegation of authority by-law.
- (d) Employees shall complete the Declaration of Interest Form attached as Schedule "D" when submitting a Bid for a Special Circumstance Purchase.

21) **CO-OPERATIVE PURCHASING / BUYING GROUP PURCHASING**

- (a) As authorized by the Chief Administrative Officer, the Corporation may enter into arrangements with other government agencies or public authorities as a member of a buying group on a co-operative or joint basis for Purchases of Goods and/or Services where it is in the best interest of the Corporation to do so.
- (b) Where other government agencies or public authorities have included a Piggyback clause in their Bid Request, and with the Contractor(s) approval, the Corporation may Piggyback other government agencies or public authorities Contracts, where it is in the best interest of the Corporation to do so. The Corporation may also allow other government agencies or public authorities to Piggyback Contracts established by the Corporation with the approval of the Corporation's selected Contractor(s).

Schedule A to By-law 2019-085

- (c) Any Purchase conducted through and by a buying group must be carried out in a manner consistent with: (i) the Trade Agreements and (b) unless otherwise approved by the CAO, the other requirements of this by-law. *(CFTA)*
- (d) A notice of the Corporation's participation with the buying group must be published at least annually on one of the tendering websites or systems normally used by the Corporation. That notice shall direct Suppliers to the buying group's Tender notices website. *(CFTA)*
- (e) All Purchases shall be authorized in accordance with the Purchasing authorities set out in Schedule "C" and all Contracts shall be signed in accordance with the Bid Solicitation documents or the Corporation's delegation of authority by-law.
- (f) Employees shall complete the Declaration of Interest form attached as Schedule "D" when submitting a Bid.

22) **SOLE SOURCE PURCHASES / LIMITED TENDERING**

- (a) The rules applicable to Bid Solicitation Notices, Bid Solicitations, co-operative Purchasing, Standing Offers and Negotiations are not applicable to Sole Source Purchases. Sole Source Purchases are permitted under the following circumstances:
 - (i) if: (i) no Bids were submitted or no Suppliers requested participation; (ii) no Bids that conform to the essential requirements of the Bid Solicitation documentation were submitted; (iii) no Suppliers satisfied the conditions for participation in the Bid Solicitation documents; or (iv) the submitted Bids were collusive; provided the subsequent Contract is based on the original Bid Solicitation documents and the requirements are not substantially modified; *(OQTCA, CFTA, CETA)*
 - (ii) if the Goods or Services can be supplied only by a particular Supplier and no reasonable alternative or substitute Goods or Services exist for any of the following reasons: (i) the requirement is for a work of art; (ii) the protection of patents, copyrights, or other exclusive rights; (iii) due to an absence of competition for technical reasons; *(OQTCA, CFTA, CETA)*; (iv) the supply of Goods or Services is controlled by a Supplier that is a statutory monopoly; (v) to ensure compatibility with existing Goods, or to maintain specialized Goods that must be maintained by the manufacturer of those Goods or its representative; (vi) work is to be performed on property by a contractor according to provisions of a warranty or guarantee held in respect of the property or the original work; (vii) work is to be performed on a leased building or related property, or portions thereof, that may be performed only by the lessor; or (viii) the procurement is for subscriptions to newspapers, magazines, or other periodicals; *(CFTA)*
 - (iii) for additional deliveries by the original Supplier of Goods or Services that were not included in the initial Contract, if a change of Supplier for such additional Goods or Services: (i) cannot be made for economic or technical reasons such as requirements of interchangeability or interoperability with existing equipment, software, Services, or installations procured under the initial Contract; and (ii) would cause significant inconvenience or substantial duplication of costs for the Corporation; *(CFTA, CETA)*

Schedule A to By-law 2019-085

- (iv) “**Special Circumstance Purchases - Urgency**” - if strictly necessary, and for reasons of extreme urgency brought about by events unforeseeable by the Corporation, the Goods or Services could not be obtained in time using open tendering or selective tendering; *(OQTCA, CFTA, CETA)*
 - (v) for Goods purchased on a commodity market; *(OQTCA, CFTA, CETA)*
 - (vi) if the Corporation procures a prototype or a first Good or Service that is developed at its request in the course of, and for, a particular Contract for research, experiment, study, or original development. Original development of a first Good or Service may include limited production or supply in order to incorporate the results of field testing and to demonstrate that the Good or Service is suitable for production or supply in quantity to acceptable quality standards, but does not include quantity production or supply to establish commercial viability or to recover research and development costs; *(OQTCA, CFTA, CETA)*
 - (vii) for Purchases made under exceptionally advantageous conditions that only arise in the very short term in the case of unusual Disposals such as those arising from liquidation, receivership, or bankruptcy, but not for routine Purchases from regular Suppliers; *(OQTCA, CFTA, CETA)*
 - (viii) if a Contract is awarded to a winner of a design contest provided that: (i) the contest has been organized in a manner that is consistent with the principles of this by-law, in particular relating to the publication of a Bid Solicitation Notice; and (ii) the participants are judged by an independent jury with a view to a design Contract being awarded to a winner; *(OQTCA, CFTA, CETA)* OR
 - (ix) if Goods or consulting Services regarding matters of a confidential or privileged nature are to be purchased and the disclosure of those matters through an open tendering process could reasonably be expected to compromise Township or government confidentiality, result in the waiver of privilege, cause economic disruption, or otherwise be contrary to the public interest. *(CFTA)*
- (b) The Bid Approval Report shall be prepared in accordance with Section 27 (Reporting Procedures).
- (c) All Sole Source Purchases of a Dollar Value below \$25,000 excluding taxes and available in the Budget shall be authorized by the CAO and otherwise, all other Sole Source Purchases shall be authorized by Council and all Contracts shall be signed in accordance with the Bid Solicitation documents or as authorized in the Township’s delegation of authority by-law.
- (d) Employees shall complete the Declaration of Interest Form attached as Schedule “D” when contracting for a Sole Source Purchase.

23) **NEGOTIATION**

Schedule A to By-law 2019-085

- (a) Notwithstanding that Negotiation may be a component of another procurement process, Negotiation may be used for Purchases of Goods and/or Services when any of the following criteria apply:
 - (i) A Sole Source has been justified and/or approved;
 - (ii) Two (2) or more identical Bids are received provided the right to negotiate in these circumstances is specified in the Bid Solicitation documents;
 - (iii) The Lowest Compliant Bid received exceeds the Budget amount provided the right to negotiate in these circumstances is specified in the Bid Solicitation documents;
 - (iv) Only one (1) Bid is received in response to a Bid Solicitation, provided the right to negotiate is specified in the Bid Solicitation documents;
 - (v) A roster for Professional Services has been developed in accordance with Section 24 (Roster for Professional or Specialized Services);
 - (vi) it appears from the evaluation of Bids that no Bid is obviously the most advantageous in terms of the specific evaluation criteria set out in the Bid Solicitation evaluation criteria; *(OQTCA, CFTA, CETA)*
- (b) Where Negotiation is part of a Bid Solicitation process, any elimination of Suppliers participating in Negotiations must be carried out in accordance with the evaluation criteria set out in the Bid Solicitation documents and shall: (i) if Negotiations are conducted concurrently with multiple Suppliers, provide a common deadline for the participating Suppliers to submit any new or revised Bid Solicitations (i.e. Best And Final Offer (BAFO) or concurrent Negotiations); or if Negotiations are conducted consecutively with one Supplier at a time, provide a deadline for the participating Supplier to submit any new or revised Bid prior to proceeding to negotiate with the next ranked Supplier. *(OQTCA, CFTA, CETA)*
- (c) The Bid Approval Report shall be prepared in accordance with Section 27 (Reporting Procedures).
- (d) All Purchases shall be authorized in accordance with the Purchasing authorities set out in Schedule "C" and all Contracts shall be signed as set out in the Bid Solicitation documents or as otherwise set out in the Corporation's delegation of authority by-law".

24) ROSTER FOR PROFESSIONAL OR SPECIALIZED SERVICES

- (a) An RFPQ may be conducted for the purpose of developing a roster of qualified Suppliers of Professional Services or Specialized Services for groups of projects requiring similar and particular expertise. While the use of a roster is strictly optional, the associated RFPQ shall be conducted in accordance with the provisions of this by-law.
- (b) The Department Head shall provide to the Director of Finance the relevant information regarding the Professional Services and required expertise.

Schedule A to By-law 2019-085

- (c) The Department Head will prepare the RFPQ, inviting interested Suppliers to submit Bids outlining, among other things, their qualifications, availability, recent project experience, key personnel and roles, and sufficient references for work of a similar nature.
- (d) An evaluation team consisting of members of the requesting Department and the Director of Finance shall analyze and evaluate the responses received using the criteria outlined in the RFPQ to select a number of qualified Suppliers of Professional or Specialized Services which shall be placed on a roster.
- (e) On subsequent projects, Suppliers of Professional Services or Specialized Services may be selected from the roster to submit detailed proposals in response to a Bid Solicitation, in accordance with Sections 12 through 16 of this by-law. The requesting Department shall invite Suppliers on the roster to provide Services, using best efforts to equally distribute opportunities amongst the Suppliers on the roster.
- (f) Alternatively, a Supplier may be selected from the roster to submit a Bid for Professional Services or Specialized Services in accordance with Section 22 (Sole Source Purchases/Limited Tendering) or Section 23 (Negotiation) of this by-law.
- (g) Rosters shall be updated at least once every three (3) years.

25) **FORMAL BID PROCESS**

- (a) All Bids (with the exception of submissions in response to Requests for Pre-Qualification) shall be received by the Clerk or otherwise in accordance with the instructions in the Bid Solicitation and opened in public at the time and place stated in the Bid Solicitation unless specified otherwise in the Bid Solicitation documents.
- (b) All prospective bidders shall be supplied with one copy of the official Bid Solicitation document, and a set of plans and/or specifications as applicable. A complete list of prospective bidders, including address, phone and fax numbers is to be maintained to facilitate the distribution of potential written addenda.
- (c) The public opening of all Bids shall be attended by the Clerk and either Department Head, Project Manager and/or Director of Finance.
- (d) Closing times for sealed Bids will be determined by the Purchasing Department, at the designated location.
- (e) A bidder who has already submitted a Bid may submit a further Bid at any time up to the official closing time. The last Bid received will supersede and invalidate all Bids previously received by that bidder. Only one Bid from a firm, partnership, corporation or association will be considered.
- (f) A bidder may withdraw his Bid at any time up to the official closing time by letter bearing the signature of an authorized bidder representative.

Schedule A to By-law 2019-085

- (g) The Bid form shall also provide an area to provide for the bidder's signature, company name, company address, telephone number, fax number and e-mail address.
- (h) Publicly opened Bids received, which comply with this by-law and the Bid Solicitation document shall be opened and the Suppliers name and the Bid amount(s) shall be read aloud and recorded. When the Bid Solicitation is for registration purposes, only the Supplier's name will be read aloud and recorded.
- (i) When only one (1) Bid is received, only the Supplier's name shall be read aloud. The Bid amount shall not be read aloud.
- (j) Bid Irregularities shall be administered in accordance with Schedule "B".

26) DISQUALIFICATION OF A SUPPLIER/BIDDER

Notwithstanding other provisions in this by-law where the following disqualification criteria apply, the Corporation may, if there is supporting evidence and in its sole discretion, exclude a Supplier from bidding on any Bid Solicitation or reject a Bid of a Supplier on the following grounds:

- (a) Has, at any time, threatened, commenced or engaged in legal claims or litigation against the Corporation;
- (b) bankruptcy (*OQTCA, CFTA, CETA*) or insolvency; (*OQTCA, CFTA*)
- (c) false declarations; (*OQTCA, CFTA, CETA*)
- (d) significant or persistent deficiencies in performance of any substantive requirement or obligation under a prior Contract or Contracts (*OQTCA, CFTA, CETA*);
- (e) final judgments in respect of serious crimes or other serious offences; (*OQTCA, CFTA, CETA*)
- (f) professional misconduct or acts or omissions that adversely reflect on the commercial integrity of the Supplier; (*OQTCA, CFTA, CETA*) or
- (g) failure to pay taxes (*OQTCA, CFTA, CETA*).

27) REPORTING PROCEDURES

- (a) Prior to any Award, a Bid Approval Report shall be prepared by the Purchasing Department, signed and authorized in accordance with the Purchasing authorities set out in Schedule "C". The form in Schedule "E" is to be used for such approvals. This form may be updated from time to time as authorized by the Director of Finance without amendment to this By-law.
- (b) The Director of Finance shall submit quarterly reports listing all Purchases of Goods and

Schedule A to By-law 2019-085

Services through Bid Solicitations in excess of \$25,000 for information to Council, with an alphabetical listing of Suppliers, total Award, amount budgeted and description of Goods and Services.

28) **PRESCRIBED COUNCIL APPROVAL**

Notwithstanding any other provision of this by-Law, the following Awards require Council approval:

- (a) The recommended Award exceeds the amount budgeted for the Purchase by \$25,000 or more;
- (b) The authority to Award has not been expressly delegated to staff of the Corporation;
- (c) The recommended Award is not the Lowest Compliant Bid or, for RFPs, the highest-ranking bidder.

29) **DOCUMENT EXECUTION AUTHORITY**

Employees or officers of the Corporation identified in the Bid Solicitation documents, this by-law or the Corporation's delegation of authority by-law shall have the authority to execute Contracts and all other documents necessary to affect the Award or Purchase of Goods and/or Services, up to the prescribed limits, provided that the documents have been prepared in a satisfactory form.

30) **NOTICE OF AWARD (DOLLAR VALUE > \$100,000)**

For Contracts (including Sole Source Contracts) with a Dollar Value over \$100,000, excluding taxes:

- (a) No later than 72 days after the Award of each Contract, a notice shall be published on the website for the Corporation and/or the website for posting authorized by the Director of Finance. The information must remain readily accessible on the website for a reasonable period of time. *(OQTCA, CFTA, CETA)*
- (b) The notice shall include at least the following: (i) a description of the Goods or Services procured; (ii) the name and address of the Corporation; (iii) the name and address of the successful Supplier; (iv) the value of the successful Tender or Contract; (v) the date of Award; and (f) if a Sole Source justification was used, the conditions and circumstances described in this by-law that justified its use. *(OQTCA, CFTA, CETA)*

31) **BIDDER DEBRIEF**

- (a) Participating Suppliers shall be promptly notified of the Corporation's Contract Award decisions, and, on the request of a Supplier, shall do so in writing. *(OQTCA, CFTA, CETA)*

Schedule A to By-law 2019-085

- (b) Upon request by the unsuccessful Supplier, the unsuccessful Supplier shall be provided with an explanation of the reasons why their Bid was not selected. *(OQTCA, CFTA, CETA)*
- (c) An unsuccessful Supplier shall not be entitled to any third party confidential information that might prejudice fair competition between Suppliers; that may prejudice the interests of any third party; would be contrary to the public interest; or would be exempt from disclosure under applicable law. *(OQTCA, CFTA, CETA)*

32) **SUBSTANTIVE OBJECTION PROCEDURE**

- (a) The Corporation encourages competitive bidding and an open, accountable and transparent process for the Purchase of Goods and/or Services.
- (b) To maintain the integrity of the process, Suppliers who believe they have been treated unfairly or that the Corporation has breached a requirement of the Trade Agreements, may submit a Substantive Objection to the Director of Finance providing sufficient detail regarding the complaint.
- (c) The Department Head or the Director of Finance will arrange a meeting with the Supplier who submitted the Substantive Objection to review the Substantive Objection and where required, explain the evaluation process that led to the selection of the successful Supplier. In considering a Substantive Objection, the Corporation shall accord impartial and timely consideration to the complaint in a manner that is not prejudicial to the Supplier's participation in ongoing or future procurement or its right to seek corrective measures under other legal principles. *(CFTA, CETA)*
- (d) The Director of Finance will investigate the Substantive Objection and will make a recommendation to Council as to what steps should be taken, if any. Council shall make a decision on the Substantive Objection.

33) **FINANCIAL SECURITIES AND INSURANCE**

a) **BID DEPOSITS**

- (i) Bid Deposits shall be required to accompany Bid submissions for all Bids for municipal Construction projects with an estimated value equal to or more than \$50,000.00, excluding taxes, and for any other Contract, scope of work or Purchase as deemed appropriate by the Department Head.
- (ii) Bid Deposits for expenditures of \$50,000 up to \$99,999 shall be no less than 2% of the estimated value of the work before bidding or an amount equal to a minimum of 2% of the Bid submitted.
- (iii) Bid Deposits for expenditures of \$100,000 up to \$199,999 shall be no less than 5% of the estimated value of the work before bidding or an amount equal to a minimum of 5% of the Bid submitted.

Schedule A to By-law 2019-085

- (iv) Bid Deposits for expenditures of \$200,000 or more shall be no less than 10% of the estimated value of the work before bidding or an amount equal to a minimum of 10% of the Bid submitted.
- (v) A Bid Deposit shall be provided in one of the following formats:
 - A Bid or agreement bond issued by a bonding agency currently licensed to operate in the Province of Ontario naming The Township of Russell as the obligee;
 - A certified cheque made payable to The Township of Russell;
 - An irrevocable letter of credit naming The Township of Russell as the beneficiary;
 - Bank draft or money order made payable to The Township of Russell.
- (vi) A Bid Deposit shall be provided in Canadian currency.
- (vii) The Township does not pay interest on any Bid Deposits.
- (viii) All Bid Deposits must be originals, signed and sealed. No fax or photocopies will be accepted.
- (ix) The Township is authorized to cash and deposit any Bid Deposit in the Township's possession that is forfeited as a result of non-compliance with any of the terms, conditions and/or specifications of a sealed Bid.

b) BONDING REQUIREMENTS

- (i) Performance, Labour and Material and/or Maintenance Bonds are required for all Construction projects exceeding \$100,000.00 for a minimum of 50% of the Bid amount.
- (ii) All bonds must be originals, signed and sealed. No fax or photocopies will be accepted.
- (iii) A periodic renewable performance bond may be requested for any multi-year Contracts.

c) INSURANCE

The Purchasing Department shall ensure to identify on Bid document, RFT, RFP of the minimum insurance standards and or coverages required. Any selected insurance coverage must meet or exceed the following minimum requirements:

- (i) \$2 million – general liability policy;
- (ii) \$2 million – automobile liability policy;

Schedule A to By-law 2019-085

- (iii) \$2 million – homeowners (e.g. rental of facilities);
- (iv) \$5 million – general liability and automobile liability policies – Contract work done for Infrastructure projects;
- (v) \$2 million – professional errors and omissions liability;
- (vi) Builder’s Risk – amount of project cost;

The successful bidder must furnish, at his/her cost, a “certified copy” of a liability insurance policy covering public liability and property damage, for no less than the minimum amounts set out above, to the satisfaction of the Township and in force for the entire Contract period.

The policy must contain:

- (i) A “Cross Liability” clause or endorsement;
- (ii) An endorsement certifying that The Township of Russell and the successful bidder are included as an additional named insured;
- (iii) An endorsement to the effect that the policy or policies will not be altered,

Contractor’s Liability Insurance Policy shall not contain any exclusions of liability for damage, etc. to property, building or land arising from:

- (i) Removal or weakening of support of any property, building or land whether such support is natural or otherwise;
- (ii) Use of explosives for blasting;
- (iii) Vibration from pile driving or caisson work, if minimum coverage for any such loss or damage shall be \$5,000,000.00.

Successful bidder must furnish to the Township a current WSIB certificate, as specified in the Bid Solicitation documents.

Failure to comply with all terms and conditions of a Bid Solicitation, including failure to provide proof of insurance and financial securities as required, shall be just cause for cancellation of the Award.

34) **BID IRREGULARITIES**

The process for evaluating irregularities contained in Bids pertaining to all Bid Solicitations shall include the use of the criteria set out in Schedule "B". However, the evaluation of Bid irregularities is not limited to the criteria set out in Schedule “B” as may be identified by those involved in the procurement.

35) **FORM OF CONTRACT**

Schedule A to By-law 2019-085

- (a) An Award may require a formal written agreement or a Purchase Order.
- (b) A Purchase Order may be used when the resulting Contract is deemed straightforward, in the opinion of the Department Head, in consultation with the Director of Finance, and will refer to the Corporation's standard terms and conditions outlined in the Bid Solicitation.
- (c) A formal written agreement satisfactory to the CAO shall be used when the resulting Contract is deemed complex, in the opinion of the Department Head, in consultation with the Director of Finance.
- (d) It shall be the responsibility of Department Head in consultation with the CAO to determine if it is in the best interest of the Corporation to establish a formal written agreement with the Supplier.

36) SUPPLIER PERFORMANCE

The Department Head shall monitor and document the performance of Suppliers providing Goods and/or Services to that Department and shall advise the CAO in writing when the performance of a Supplier has been unsatisfactory. The CAO shall confirm his approval or refusal in writing of the Supplier performance review. References of such Supplier may be carried out prior to approval or refusal of provided performance review.

37) LOBBYING RESTRICTIONS

- (a) Suppliers, their staff members, or anyone involved in preparing Bids shall not engage in any form of political or other lobbying whatsoever or seek to influence the outcome of the Purchasing process or subsequent Award. This restriction extends to all of the Corporation's staff and members of Council.
- (b) The Corporation may reject any Bid by a Supplier that engages in such lobbying, without further consideration, and may terminate that Supplier's right to continue in the Purchasing process.
- (c) During a Bid Solicitation process, all communications shall be made through the Purchasing Department. No Supplier or person acting on behalf of a Supplier or group of Suppliers, shall contact any elected official, consultant or any Employee of the Corporation to attempt to seek information or to influence the Award.
- (d) Elected officials shall refer any inquiries about a Bid Solicitation process to the Director of Finance.

38) ACCESS TO INFORMATION

- (a) The disclosure of information received relevant to Bid Solicitations or Awards shall be made by the appropriate officers in accordance with the provisions of all relevant privacy

Schedule A to By-law 2019-085

legislation including primarily the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O1990, c. M.56, as amended.

- (b) All Suppliers who contract with the Corporation shall adhere to or exceed the information protection standards set in the *Municipal Freedom of Information and Protection of Privacy Act* or the *Personal Health Information Protection Act, 2004*, S.O.2004, c. 3, Sched.A, or other relevant Ontario or federal privacy legislation or common law as may be passed or amended from time to time, as if they were agents of the Corporation as relates to the confidential and secure treatment, including collection, use, disclosure or retention, of personal (health) information, other confidential information of the Corporation, and all records thereof which they come into contact with in the course of performing Services or providing Goods to the Corporation.

39) **SURPLUS ASSETS**

- (a) Department Head may submit to Finance Department from time to time and upon request, a list of furniture, vehicles, equipment, stocks and other assets, which are obsolete, damaged or surplus to that Department 's needs ("**Surplus Assets**").
- (b) All Surplus Assets shall first be offered to other Departments within the Corporation. Upon this first step, surplus assets to be offered outside the Corporation must be approved by the CAO.
- (c) All Surplus Assets not required by any Department of the Corporation may then be offered to public sector agencies and charitable organizations within the Township prior to any public Disposal procedure, donation or sale to area municipalities.
- (d) Subsequent to subsection (c), surplus assets may be donated to non-profit agencies or non-profit institutions for educational or teaching purposes only. Donated items shall not be re-sold.
- (e) Department Head shall have the authority to sell or dispose of all Surplus Assets, by sealed Bid or public auction through the municipal website or any other online classified site(s).
- (f) The respective Department shall be credited with the net proceeds, if any, from the Disposal of its Surplus Assets unless otherwise agreed.
- (g) Surplus Assets shall not be sold directly to an Employee or to a member of Council, although this does not prohibit any Employee or member of Council from Purchasing Surplus Assets being sold through a public process.

40) **RECORD RETENTION**

The Corporation shall, for a period of at least seven (7) years (Unsuccessful bids – retain for 1 year from contract award) from the date it awards a Contract, maintain the documentation and reports of the Bid Solicitation and Awards relating to the Purchase and data that ensures the appropriate traceability of the conduct of the Bid Solicitation or as amended from time to time

Schedule A to By-law 2019-085

by the Ontario Municipal Records Management System (TOMRMS) attached as Schedule "A" to the Records Retention By-law in effect. (OQCTA, CETA)

41) COMPLIANCE

- (a) All persons involved in the Purchase of Goods and/or Services provided for in this by-law, shall act in a manner consistent with the requirements and objectives of this by-law and the Trade Agreements
- (b) The following is an illustrative list of practices that are considered to be inconsistent with the Trade Agreements and therefore applicable to Purchases with a Dollar Value over \$100,000 excluding taxes (CFTA):
 - (i) according a preference for local Goods, Services, or Suppliers;
 - (ii) scheduling events in the tendering process in order to prevent Suppliers from submitting Tenders;
 - (iii) specifying quantities of, or delivery schedules for, the Goods or Services to be supplied in order to prevent Suppliers from meeting the requirements of the Bid Solicitation;
 - (iv) using price discounts or preferential margins in order to favor particular Suppliers;
 - (v) limiting participation in a procurement only to Suppliers that have previously been awarded one or more Contracts by the Corporation;
 - (vi) requiring prior experience if not essential to meet the requirements of the procurement;
 - (vii) providing information to one Supplier in order to give that Supplier an advantage over other Suppliers; and
 - (viii) adopting or applying any registration system or qualification procedure with the purpose or the effect of creating unnecessary obstacles to the participation of Suppliers from another province/the EU (as applicable) in its procurement.
- (c) Contracts or Purchases may not be divided into two (2) or more parts to avoid the requirements of this by-law.
- (d) Any Goods and/or Services that are obtained in contravention of this by law will be subject to investigation by the Corporation, following which the Corporation will take the necessary corrective action.
- (e) Any Employee of the Corporation who knowingly contravenes this by-law is committing a serious act of misconduct and may be held personally liable for the full value of the

Schedule A to By-law 2019-085

Purchase as well as disciplinary action up to and including termination.

42) ENVIRONMENTALLY SOUND ACQUISITIONS

Departments will endeavor to include specifications in Bid Solicitations that provide for energy efficient products, reusable products and products that contain the minimum level of post-consumer waste and/or maximum recyclable content, without significantly affecting the intended use of the product or Service. It is recognized that cost analysis is required in order to ensure that the products are competitively priced.

43) IN-HOUSE BIDS

- (a) An In-House Bid is a process that allows for internal departments to compete with external entities for procurement opportunities. In-House Bids may be used for the procurement of Goods and Services in circumstances where the Chief Administrative Officer considers it appropriate to do so.
- (b) When In-House Bids will be considered, all potential Suppliers shall be advised in the Bid documents that in-house departments will be permitted to submit Bids.

44) PROVIDING ASSISTANCE

The CAO has the authority, provided there is no adverse impact upon the operations of the Corporation, to lend, lease, rent or otherwise provide any vehicle, equipment or other Goods owned by the Corporation to any federal, provincial or municipal body, ministry, agency, board, corporation or other public authority when such action is reasonably justified due to unforeseen conditions, and shall report such action to Council forthwith.

45) CONFLICT OF INTEREST

- (a) No Goods and/or Services shall be Purchased for any elected or appointed officials, members of a board or commission, or for Corporation officers, Employees or their Immediate Family, except in accordance with this policy.
- (b) The Employee or the Immediate Family of an Employee of the Corporation who has the responsibility for declaring Surplus Assets shall not Bid on or personally obtain any Goods that he or she has declared as surplus.
- (c) Goods and/or Services can be Purchased, in accordance with the requirements of this by-law, from Employees and such Employees shall, for any Purchases of Goods and/or Services complete the Declaration of Interest Form attached as Schedule "D".
- (d) Every elected official, appointed officer, Employee of the Corporation or member of an Employee's Immediate Family is expressly prohibited from accepting, directly or

Schedule A to By-law 2019-085

indirectly, from any person, company, firm or corporation to which any Purchase Order or Contract is, or might be awarded, any rebate, gift or money, except:

- (i) Gifts of a very small intrinsic value; or
 - (ii) Moderate hospitality during the normal course of business that would not significantly exceed what the Corporation, through the Employee's expense account, would likely provide in return and would not be perceived by others as influencing the making of a business decision.
- (e) Subject to subsection 45(c) above, all elected officials, officers or Employees of the Corporation shall declare any Conflicts of Interest to the Chief Administration Officer and shall have no involvement in a Purchasing process where a Conflict of Interest exists, including, but not limited to:
- (i) Requesting the Goods and/or Services, setting the parameters of the Purchase, evaluating Bids or recommending, deciding or making Awards;
 - (ii) Direct contact with those making those Purchasing decisions, both in Purchasing Department and the user Department.
- (f) Suppliers shall not be allowed to submit a Bid for any Bid Solicitation with a Dollar Value of \$100,000 or greater, in which the Supplier has participated in the preparation of the Bid Solicitation, and any such Bid submitted shall be disqualified except where such Supplier has been specifically authorized by Council to participate in such Bid Solicitation.

46) SEVERABILITY

If any Section or Sections of this by-law or parts thereof are found by an adjudicator of competent jurisdiction to be invalid or beyond the power of Council to enact, such Section or Sections or parts thereof shall be deemed to be severable and all other Sections or parts of the by-law shall be deemed to be separate and independent therefrom and shall continue in full force and effect unless and until similarly found invalid or beyond the power of Council to enact.

47) EXEMPTIONS

Upon approval of the CAO of an exemption request, the Department Head is to submit a report to Council about such request exemption from any or all of the Methods of Purchasing outlined in this by-law. Such exemption must be granted through a resolution and a copy must be forwarded to the Finance Department.

48) REVIEW/REJECTION OF BIDS

Schedule A to By-law 2019-085

In addition to the criteria set out in Section 27 (Reporting Procedures) of this by-law, the Township shall have the following rights and privileges, to the extent permitted by applicable laws and the Trade Agreements:

- (a) The Township shall have the right to reject any, or all, Bids for any reason, or to accept any Bids which the Township in its sole unfettered discretion deems most advantageous to itself. The lowest, or any, Bids will not necessarily be accepted and the Township shall have the unfettered right to:
 - (i) Accept a non-compliant Bid;
 - (ii) Accept a Bid which is not the lowest Tender; and
 - (iii) Reject a Bid that is the lowest Bid.

- (b) The Township reserves the right to consider, during the evaluation of Bids all or some of the following criteria in assessing a Tender, none of which shall be binding on the Township;
 - (i) information provided in the Bid document itself;
 - (ii) information provided in response to enquiries of credit and industry references;
 - (iii) information received in response to enquiries made by the Township of third parties apart from those disclosed in the Bid Solicitation in relation to the reputation, reliability, experience and capabilities of the Bidder;
 - (iv) the manner in which the bidder provides Services to others;
 - (v) the experience and qualification of the bidder's senior management, and project management;
 - (vi) the compliance of the bidder with the Township's requirements and specifications;
 - (vii) innovative approaches proposed by the bidder in the Bid, and,
 - (viii) the Township's policies relating to tendering and issuing Contracts to third parties.

- (c) The Township may rely upon the criteria which the Township deems relevant, even though such criteria may not have been disclosed to the bidder. By submitting a Bid, the bidder acknowledges the Township's rights under this Section and absolutely waives any right or cause of action against the Township and its consultants, by reason of the Township's failure to accept the Bid submitted by the bidder, whether such right or cause of action arises in Contract, negligence, or otherwise.

49) **BY-LAW REVIEW**

The Chief Administrative Officer and/or Director of Finance shall review the effectiveness of this by-law at least every five (5) years and report to Council as necessary.

50) **REPEAL**

- (a) by-law number 65-2013 , known as the Purchase Policy of the Corporation of the Township of Russell, previously approved on June 17, 2013, and its amendment, being By-law 2015-98, previously approved on September 8, 2015, be and the same are hereby repealed effective on the date this by-law comes into force.

Schedule A to By-law 2019-085

- (b) Notwithstanding Subsection 50(a), by-law 65-2013 of The Corporation of the Township of Russell, as amended, shall continue to apply to all Bid Solicitations commenced before its repeal.

Schedule "A" (Excluded Contracts and Transactions)

The transactions and Purchase of the items in Schedule "A" shall be made in accordance with Section 3 (Application) of this by-law.

Excluded Contracts (based on Trade Agreement Exclusions)

- (a) employment contracts (CFTA, CETA);
- (b) non-legally binding agreements (CFTA);
- (c) any form of assistance, such as grants, loans, equity infusions, guarantees, and fiscal incentives (CFTA, CETA);
- (d) acquisition or rental of land (ie. property leases), existing buildings, or other immovable property, or the rights thereon (CFTA, CETA);
- (e) measures necessary to protect intellectual property (CFTA);
- (f) procurement or acquisition of: (i) fiscal agency or depository Services; (ii) liquidation and management Services for regulated financial institutions; or (iii) Services related to the sale, redemption, and distribution of public debt, including loans and government bonds, notes, and other securities (CFTA, CETA);
- (g) procurement of (CFTA and aligned with CETA):
 - (i) financial Services respecting the management of Township financial assets and liabilities (i.e. treasury operations), including ancillary advisory and information Services, whether or not delivered by a financial institution;
 - (ii) health Services or social Services;
 - (iii) Services that may, under applicable law, only be provided by licensed lawyers or notaries; or
 - (iv) Services of expert witnesses or factual witnesses used in court or legal proceedings; or
- (h) procurement of Goods or Services (CFTA and aligned with CETA):
 - (i) financed primarily from donations that require the procurement to be conducted in a manner inconsistent with this by-law;
 - (ii) by the Township on behalf of an entity not covered by this by-law;
 - (iii) between the Township and another government body or enterprise;
 - (iv) from philanthropic institutions, non-profit organizations, prison labour or natural persons with disabilities;
 - (v) conducted for the specific purpose of providing international assistance, including development aid, provided that the Corporation does not discriminate on the basis of origin or location as required by the applicable Trade Agreement(s); or
 - (vi) conducted under the particular procedure or condition of an international organization,

or funded by international grants, loans, or other assistance, if the procedure or condition would be inconsistent with the applicable Trade Agreement(s).

Other Excluded Transactions and Payments:

- (a) Petty cash items;
- (b) Payments made in accordance with salaries and payroll benefits, including temporary help agency Employees, as authorized by Council;
- (c) Expenditures for Training and Education:
 - Attendance at conferences, seminars, training sessions, courses and conventions
 - Subscriptions to books, magazines and periodicals
 - Membership fees
 - Fees for trainers/facilitators
 - Staff Development
- (d) Employee/Council Member Expenses or Fees:
 - Meal allowances
 - Travel and entertainment
 - Miscellaneous expenses
 - Advances
 - Committee Fees
 - Honorariums
- (e) General Expenses:
 - Licenses (vehicles, information systems, etc.)
 - Bank loan payments including temporary loans
 - Interest on temporary bank loans and bank charges
 - Insurance premiums
 - Grants to agencies
 - Damage claims
 - Petty cash reimbursement
 - Government remittances (i.e. EHT, WSIB, PST, GST, etc.)
 - Inter-department charges
 - Payment to or on behalf of individuals in regards to program authorized by Council (provided such payments have a Dollar Value < \$100,000 or are otherwise excluded)

- Suppliers for bulk fuel Purchases, which Purchases shall be treated as a “Sole Source” Contract pursuant to this by-law
 - Ontario Provincial Police
 - Refund of performance deposits
 - Building permit refundable fees
 - Overpayments (tax and utility refunds, registration refunds, etc.)
 - Requisitions payable to school boards, United Counties of Prescott and Russell and South Nation Conservation
 - All payments of invoices related to Contracts and capital expenditures approved by Council, except for final holdback payments when applicable
 - All payments of invoices of less than \$1,000.00
 - All payments made pursuant to the *Tile Drainage Act*
 - Postal Services and delivery charges
 - Upper tier government to and from other government bodies
 - Sinking Fund Payments
- (f) Specific payments as authorized by Council
- All fees related to property acquisition
 - Expropriations
- (g) All cheques over \$25,000 require the handwritten signature of the Mayor or his/her substitute.

In addition to the above, Council may authorize any other exceptions to this by-law.

Schedule “B” (Responses For Administering Irregularities Contained In Bids)

	IRREGULARITY	RESPONSE
1.	Late Bids	Automatic rejection. Returned unopened to the bidder.
2.	Unsealed Envelopes	Automatic rejection
3.	INSUFFICIENT FINANCIAL SECURITY	
	a) No Bid Deposit, uncertified cheque, or financial security not an original (e.g. a photocopy or a facsimile of a financial security)	Automatic Rejection
	b) Amount of Financial Security is insufficient:	Automatic Rejection
	i) Amount of Security is expressed as a percentage of the total Bid sum	Automatic rejection, unless in the opinion of Finances Department, the insufficiency in the financial security is <i>de minimus</i> (trivial or insignificant).
	ii) Amount of Security is expressed as a dollar figure	Automatic Rejection
	c) Name, or signature of Supplier, or bonding company are missing or incomplete	Automatic rejection
	d) Failure to provide a letter of agreement to bond (if required)	Automatic rejection
4.	BID DOCUMENT EXECUTION	
	a) Bids completed in erasable medium	Automatic rejection
	b) Signature of representative authorized to bind the Supplier missing or incomplete on the Bid Document. ii. Electronic signature of representative authorized to bind the Supplier shown on Form of Submission	Automatic Rejection Two (2) working days to obtain original signature
	c) Form of Proposal or Quotation missing or incomplete	Two (2) working days* to correct to the satisfaction of Purchasing Department or Municipality reserves the right to waive initialing and accept bid otherwise automatic rejection
	d) Form of Tender missing or incomplete	Automatic rejection
	e) Signature of witness, if required, missing or incomplete	Two (2) working days* to correct, or Municipality reserves the right to waive initialing and accept Bid otherwise automatic rejection
	f) Date of Bid missing or incomplete	Two (2) working days * to correct, otherwise automatic rejection or, if stated in the Bid Solicitation, automatic rejection.

5.	Incomplete, illegible or obscure Bids or Bids which contain information not called for, erasures, overwriting or strike outs (not initialed).	Two (2) working days * to correct to the satisfaction of Purchasing Department, or Municipality reserves the right to waive initialing and accept Bid otherwise automatic rejection
	IRREGULARITY	RESPONSE
6.	Document, in which all necessary Addenda have not been acknowledged.	Two (2) working days* to confirm Bid to the satisfaction of Purchasing Department or, if stated in the Bid Solicitation, automatic rejection.
7.	Failure to attend mandatory site visit (if required).	Automatic rejection
8.	Bid received on documents other than those provided in the Bid Solicitation	Automatic rejection, unless allowed for in the Bid Solicitation.
9.	Failure to insert the bidder's business name in the space provided in the Bid Solicitation form.	Automatic rejection unless, in the opinion of Purchasing Department, the incomplete nature is trivial or insignificant.
10.	Mathematical errors	Two (2) working days * to initial the corrections as made by the Corporation. Unless otherwise stated in the Bid, the unit price shall prevail, and the total Bid price shall be adjusted accordingly. The Corporation reserves the right to waive initialing and accept Bid as corrected.
11.	Qualified Bids (Bids qualified or restricted by an attached statement).	Automatic rejection
12.	Bids containing minor obvious clerical errors.	Two (2) working days * to confirm Bid to the satisfaction of Purchasing Department.
13.	Any other irregularities	Upon legal opinion, the Purchasing Department and/or the Director of Finance shall have authority to waive other irregularities or grant two (2) working days to initial such other irregularities considered to be minor.

Schedule "C" (Method of Procurement, Purchasing Authority and Execution Authority Summary)

Method Of Purchasing	Dollar Value/Financial Limits	Budget	Purchasing Authority* (purchasing authority means any of these positions is authorized to make and/or approve purchase)	Type of Agreement with Supplier
Petty Cash /Expense account (refer to Section 12 of by-law)	\$300 or less		<input checked="" type="checkbox"/> Employee Designate <input checked="" type="checkbox"/> Department Head <input checked="" type="checkbox"/> Director of Finance <input checked="" type="checkbox"/> Chief Administrative Officer <input type="checkbox"/> Council	Cash, Purchase Order or Corporate credit card
Low Value (for routine Purchases of low Dollar Value) (refer to section 13 of by-law)	Up to \$10,000	<input checked="" type="checkbox"/> Included <input type="checkbox"/> Not included	<input checked="" type="checkbox"/> Employee Designate <input checked="" type="checkbox"/> Department Head <input checked="" type="checkbox"/> Director of Finance <input checked="" type="checkbox"/> Chief Administrative Officer <input type="checkbox"/> Council	Cash, Purchase Order or Corporate credit card
Low Value (for routine Purchases of low Dollar Value) (refer to section 13 of by-law)	Up to \$10,000	<input type="checkbox"/> Included <input checked="" type="checkbox"/> Not included	<input type="checkbox"/> Employee Designate <input type="checkbox"/> Department Head <input checked="" type="checkbox"/> Director of Finance <input checked="" type="checkbox"/> Chief Administrative Officer <input type="checkbox"/> Council	Cash, Purchase Order or Corporate credit card
Informal Quotation *3 quotes obtained	\$10,000 to \$30,000	<input checked="" type="checkbox"/> Included <input type="checkbox"/> Not included	<input type="checkbox"/> Employee Designate <input checked="" type="checkbox"/> Department Head <input checked="" type="checkbox"/> Director of	Purchase Order or legally executed agreement

(refer to section 14 of by-law)			Finance <input checked="" type="checkbox"/> Chief Administrative Officer <input type="checkbox"/> Council	
Informal Quotation *less than 3 quotes (refer to section 14 of by-law)	\$10,000 to \$30,000	<input checked="" type="checkbox"/> Included <input type="checkbox"/> Not included	<input type="checkbox"/> Employee Designate <input type="checkbox"/> Department Head <input checked="" type="checkbox"/> Director of Finance <input checked="" type="checkbox"/> Chief Administrative Officer <input type="checkbox"/> Council	Purchase Order or legally executed agreement
Informal Quotation *3 quotes obtained (refer to section 14 of by-law)	\$10,000 to \$30,000	<input type="checkbox"/> Included <input checked="" type="checkbox"/> Not included	<input type="checkbox"/> Employee Designate <input type="checkbox"/> Department Head <input type="checkbox"/> Director of Finance <input checked="" type="checkbox"/> Chief Administrative Officer <input checked="" type="checkbox"/> Council	Purchase Order or legally executed agreement
Informal Quotation *less than 3 quotes (refer to section 14 of by-law)	\$10,000 to \$30,000	<input type="checkbox"/> Included <input checked="" type="checkbox"/> Not included	<input type="checkbox"/> Employee Designate <input type="checkbox"/> Department Head <input type="checkbox"/> Director of Finance <input type="checkbox"/> Chief Administrative Officer <input checked="" type="checkbox"/> Council	Purchase Order or legally executed agreement
Formal Quotation (formal Bid solicitation to obtain Quotations from at least 3 Suppliers) (refer to	\$30,000 to \$110,000	<input checked="" type="checkbox"/> Included <input type="checkbox"/> Not included	<input type="checkbox"/> Employee Designate <input type="checkbox"/> Department Head <input checked="" type="checkbox"/> Director of Finance <input checked="" type="checkbox"/> Chief Administrative Officer <input type="checkbox"/> Council	Purchase Order or legally executed agreement

section 15 of by-law)				
Formal Quotation (formal Bid solicitation to obtain Quotations from at least 3 Suppliers) (refer to section 15 of by-law)	\$30,000 to \$110,000	<input type="checkbox"/> Included <input checked="" type="checkbox"/> Not included	<input type="checkbox"/> Employee Designate <input type="checkbox"/> Department Head <input type="checkbox"/> Director of Finance <input type="checkbox"/> Chief Administrative Officer <input checked="" type="checkbox"/> Council	Purchase Order or legally executed agreement
Request for Tender (refer to section 16 of by-law)	\$110,000 to \$275,000	<input checked="" type="checkbox"/> Included <input type="checkbox"/> Not included	<input type="checkbox"/> Employee Designate <input type="checkbox"/> Department Head <input type="checkbox"/> Director of Finance <input checked="" type="checkbox"/> Chief Administrative Officer <input type="checkbox"/> Council	Purchase Order or legally executed agreement
Request for Tender (refer to section 16 of by-law)	\$110,000 to \$275,000	<input type="checkbox"/> Included <input checked="" type="checkbox"/> Not included	<input type="checkbox"/> Employee Designate <input type="checkbox"/> Department Head <input type="checkbox"/> Director of Finance <input type="checkbox"/> Chief Administrative Officer <input checked="" type="checkbox"/> Council	Purchase Order or legally executed agreement
Request for Tender (refer to section 16 of by-law)	\$275,000 and more		<input type="checkbox"/> Employee Designate <input type="checkbox"/> Department Head <input type="checkbox"/> Director of Finance <input type="checkbox"/> Chief Administrative Officer <input checked="" type="checkbox"/> Council	Purchase Order or legally executed agreement

Request for Proposal (refer to section 17 of by-law)	>10,000 to \$30,000	<input checked="" type="checkbox"/> Included <input type="checkbox"/> Not included	<input type="checkbox"/> Employee Designate <input type="checkbox"/> Department Head <input checked="" type="checkbox"/> Director of Finance <input checked="" type="checkbox"/> Chief Administrative Officer <input type="checkbox"/> Council	Purchase Order or legally executed agreement
Request for Proposal (refer to section 17 of by-law)	>10,000 to \$30,000	<input type="checkbox"/> Included <input checked="" type="checkbox"/> Not included	<input type="checkbox"/> Employee Designate <input type="checkbox"/> Department Head <input type="checkbox"/> Director of Finance <input checked="" type="checkbox"/> Chief Administrative Officer <input checked="" type="checkbox"/> Council	Purchase Order or legally executed agreement
Request for Proposal (refer to section 17 of by-law)	>30,000 to \$85,000	<input checked="" type="checkbox"/> Included <input type="checkbox"/> Not included	<input type="checkbox"/> Employee Designate <input type="checkbox"/> Department Head <input type="checkbox"/> Director of Finance <input checked="" type="checkbox"/> Chief Administrative Officer <input checked="" type="checkbox"/> Council	Purchase Order or legally executed agreement
Request for Proposal (refer to section 17 of by-law)	>25,000 to \$85,000	<input type="checkbox"/> Included <input checked="" type="checkbox"/> Not included	<input type="checkbox"/> Employee Designate <input type="checkbox"/> Department Head <input type="checkbox"/> Director of Finance <input type="checkbox"/> Chief Administrative Officer <input checked="" type="checkbox"/> Council	Purchase Order or legally executed agreement
Request for Proposal (refer to section 17 of by-law)	More than \$85,000		<input type="checkbox"/> Employee Designate <input type="checkbox"/> Department Head <input type="checkbox"/> Director of Finance <input type="checkbox"/> Chief	Purchase Order or legally executed agreement

			Administrative Officer <input checked="" type="checkbox"/> Council	
Co-operative Purchasing (refer to section 21 of by-law)	>10,000 to \$30,000	<input checked="" type="checkbox"/> Included <input type="checkbox"/> Not included	<input type="checkbox"/> Employee Designate <input type="checkbox"/> Department Head <input checked="" type="checkbox"/> Director of Finance <input checked="" type="checkbox"/> Chief Administrative Officer <input type="checkbox"/> Council	Purchase Order or legally executed agreement
Co-operative Purchasing (refer to section 21 of by-law)	>10,000 to \$30,000	<input type="checkbox"/> Included <input checked="" type="checkbox"/> Not included	<input type="checkbox"/> Employee Designate <input type="checkbox"/> Department Head <input type="checkbox"/> Director of Finance <input checked="" type="checkbox"/> Chief Administrative Officer <input checked="" type="checkbox"/> Council	Purchase Order or legally executed agreement
Co-operative Purchasing (refer to section 21 of by-law)	>30,000 to \$85,000	<input checked="" type="checkbox"/> Included <input type="checkbox"/> Not included	<input type="checkbox"/> Employee Designate <input type="checkbox"/> Department Head <input type="checkbox"/> Director of Finance <input checked="" type="checkbox"/> Chief Administrative Officer <input checked="" type="checkbox"/> Council	Purchase Order or legally executed agreement
Co-operative Purchasing (refer to section 21 of by-law)	>30,000 to \$85,000	<input type="checkbox"/> Included <input checked="" type="checkbox"/> Not included	<input type="checkbox"/> Employee Designate <input type="checkbox"/> Department Head <input type="checkbox"/> Director of Finance <input type="checkbox"/> Chief Administrative Officer <input checked="" type="checkbox"/> Council	Purchase Order or legally executed agreement
Co-operative Purchasing	More than \$85,000		<input type="checkbox"/> Employee Designate <input type="checkbox"/> Department	Purchase Order or legally

(refer to section 21 of by-law)			Head <input type="checkbox"/> Director of Finance <input type="checkbox"/> Chief Administrative Officer <input checked="" type="checkbox"/> Council	executed agreement
---------------------------------	--	--	--	--------------------

Schedule “D” (Declaration of Interest Form)



DECLARATION OF INTEREST

1) I certify that I have no Conflict of Interest to declare under paragraphs (A) and (B) of this section.

2) **EMPLOYMENT STATUTS:** I am (name)

An employee of the Township of Russell

A Council Member of the Township of Russell

3) **INTERESTS**

The Conflict of Interest that I have to declare is as follows:

I declare that I hold securities issued by each of the enterprises listed below or of the voting rights attached to such securities:

(Name, address and nature of business firm)

I declare that I am an employee and administrator owner a creditor of the businesses mentioned business below:

(Name, address and nature of business firm)

Other:

(Name, address and nature of business firm)

NOTE: If more than one businesses are applicable, please provide us the information on a separate sheet and attach to this document.

I certify that this declaration is true and complete, and I am aware that it must be completed and filed in conformity with section the procurement of goods and services by-law 2019-085 to which I am subject. I acknowledge that the information contained in this declaration may be used by the Township of Russell to comply with the applicable by-laws.

Made on _____

Signature of bidder and/or employee and/or council member

Schedule "E" (Bid Approval Report Form)



MEMO NOTE DE SERVICE

To / Destinataire(s): Jean Leduc
 From / Expéditeur : Jonathan Bourgon
 Dept. : Infrastructure
 ☎ : _____
 Date: May 17 2019

Objet/ Référence: Tender C0340-19043 – EMB – Culvert replacement Notre-Dame St

This letter summarizes the evaluation of Formal tender received for the replacement of the culvert crossing Notre-Dame St at Séguin St and improvement to the Storm sewer and provides recommendation on award.

	Coalwater	Robert Ex	STP Excavation	Available Budget	Note
Construction price (with 1.76% tax)	\$198,545.97	\$247,070.43	\$262,334.23	\$163,150 –Culvert \$35,400 – Storm Sewer	Shared with UCPR; they contribute half of the cost

The bid by Coalwater was reviewed and recommended by Arel engineering. All requirements were met. We have the available budget since we are combining 2 projects. UCPR are a stakeholder in this project and will be contributing half of the cost which is included in the amount above. |

Based on the foregoing, the Infrastructure Services Department recommends awarding the contract to Coalwater.

Prepared by:

Jonathan Bourgon
 Executive Director
 of Infrastructure Services

Approval by:

Jean Leduc
 Chief Administrator Officer
 Directeur Général

Cc: Richard Godin

If you do not receive all pages, please phone us immediately at 813-443-3088.

Si vous ne recevez pas toutes les pages, prière d'appeler au 813-443-3088.

Schedule “F” (Contractor Pre-Qualification)

CORPORATION OF THE TOWNSHIP OF RUSSELL CONTRACTOR PRE-QUALIFICATION

The Corporation of the Township of Russell (the “Township”) is implementing a pre-qualification process (the “Pre-qualification”) for contractors who are interested in undertaking and performing construction and maintenance projects for the Township (the “Contractors”). Pre-qualification will focus mainly on Parks and Recreation, Public Works & Roads, Public Utilities and Planning & Building Departments (the “Prequalification Departments”). The Pre-qualification procedure will focus on: Pre-qualification objectives, benefits, acceptability of Contractors, requirements for Pre-qualification, the establishment of a Pre-qualification Management Committee and a list of pre-qualified Contractors.

Other Objectives:

1. group Contractors according to their expertise and capability;
2. set up groups of suitable Contractors for specific work type and values;
3. facilitate the selection and invitation of pre-qualified Contractors; and
4. deliver improved project outcomes for the Township.

Pre-Qualification Benefits:

1. the Pre-qualification process enables the Township to select Contractors who have demonstrated the required experience, capability, capacity and project management techniques;
2. pre-qualified Contractors have demonstrated the capability to provide better and more consistent project outcomes;
3. the Pre-qualification process results in reduced tendering costs relative to open tenders while maintaining appropriate levels of competition;
4. pre-qualified Contractors have established health and safety procedures and quality assurance programs; and
5. it allows the Township, as a purchaser of construction-related services, to more effectively implement continuous improvement initiatives.

Pre-Qualification Management Committee:

As per this Pre-qualification program, a Pre-Qualification Management Committee will be initiated by the Township (the “Committee”) and will consist of 3 persons. The Committee will be made up of two members consisting of the Infrastructure Manager and Project Manager of the Infrastructure Department. The designated department head pertaining to each project will be included in the Committee as a third member.

It will be the Committee's duty to investigate and examine the application of all Contractors applying for Pre-qualification. The Committee will also have the right to deny, revoke or temporarily suspend Pre-qualification.

Acceptability:

To determine the acceptability of a Contractor who has applied to the Township for Pre-qualification (the "Application"), the Committee will investigate the following items:

1. financial resources and financial responsibility of the Contractor;
2. legal structure of the Contractor;
3. the experience of the Contractor and references;
4. the quality and availability of the Contractor's equipment, machinery and the number and qualifications of their personnel;
5. the performance record of the Contractor in the performance of contracts within the municipality and for any other public and private improvements;
6. the nature, extent and value of past and current contract commitments;
7. health and safety record and procedures;
8. litigation and legal enforcement;
9. quality assurance and quality control programs;
10. insurance and bonding; and
11. any other fact or consideration which could affect the ability of the applicant to properly, adequately, expeditiously and satisfactorily prosecute the work, deliver materials and/or provide equipment for which the applicant is seeking Pre-qualification.

An Application shall in all respects also mean any Application for renewal of Pre-qualification.

Pre-qualified Status and Certificate of Pre-qualification:

Contractors who are successful in the Pre-qualification process shall be designated as a pre-qualified Contractor (“Pre-qualified”) and shall be included on a list of Pre-qualified Contractors.

(i) A Contractor's Pre-qualification signifies that the Contractor has met the minimum technical requirements established by the Township. It does not mean that the Contractor is on equal footing with other Pre-qualified Contractors, nor does it mean that the Contractor has met all the procurement requirements necessary to perform work.

(ii) For greater certainty, a Contractor's Pre-qualification does not mean that the Contractor will be invited to submit competitive bids for any Township projects, nor does it mean that the Contractor will be awarded any contract for work by the Township. The Township maintains and reserves the right to seek bids or offers from Contractors or who are not Pre-qualified. The Township expressly and specifically reserves the right to award contracts to Contractors who are not Pre-qualified and the Township shall bear no responsibility for any costs, expenses, losses, damages or liabilities that may be incurred by any Contractor as a result.

(iii) The Township reserves the right, in its sole discretion, to conduct additional pre-qualifications for specific projects.

2. QUALIFICATION

(i) Contractors interested in pre-qualifying shall complete and submit the following information:

(a) A duly signed copy of the Initial Contractor Pre-Qualification Certificate;

(b) Section One – identification of Project Value and Project Categories of Application;

(c) Section Two – Business Information;

(d) Section Three – Financial Information;

(e) Section Four – Information and references for Projects Completed;

(f) Section Five – Information and references for Projects Underway (that the Contractor is engaged in as of the date of submission of this Application);

(g) Section Six – Health and Safety information;

(h) Section Seven – Minimum Employee Training Requirements;

(i) Section Eight – Key Personnel and Employee Qualifications;

(j) Section Nine – Vehicle and Equipment Description Capabilities; and

(k) A declaration of whether the Contractor or any of its affiliates has been charged or convicted of any criminal or regulatory offence in any jurisdiction. Please attach any such declaration(s) to this Application.

(ii) Failure to complete the Application in its entirety or with sufficient information and/or detail, or if the Application contains fraudulent, false, deceptive or misleading information, may result in rejection of the Contractor's application and/or disqualification.

(iii) All responses and accompanying documentation submitted by Contractors shall become the property of the Township and will not be returned.

(iv) Contractors that have previously Pre-qualified and wish to renew their status as a Pre-qualified Contractor shall complete and submit the Application, as amended from time to time by the Township, in its sole discretion, on a yearly basis from the date of submission, or such other period of time as determined by the Township, in its sole discretion.

(v) Contractors shall comply with any reasonable request for updates and/or additional information from the Township.

3. SUBCONTRACTORS

(i) If the Township elects, in its sole discretion, to approve a Contractor as a Pre-qualified Contractor for specified types of work, the Pre-qualified Contractor shall be responsible for ensuring that any subcontractors that may be retained by the Pre-qualified Contractor possess the skills, experience and safety training and equipment necessary to perform the work for which they are being sub-contracted prior to performing any work for the Township. For greater certainty, the Pre-qualified Contractor shall be entirely responsible for its subcontractors and their representatives (including but not limited to their respective directors, officers, employees, and agents) at all times. The Contractor shall notify the Township in writing whenever the Contractors changes subcontractor(s).

4. CONFLICTS OF INTEREST

(i) Contractors should avoid any situation that may involve a conflict of interest between its interests and those of the Township. Contractors shall promptly disclose in writing in their Application and on an ongoing basis thereafter any conflict of interest, real or perceived, that exists now or may exist in the future, with respect to any matters in this Application, any invitation to submit competitive bids and resulting contract thereto, or in relation to the Township, including the disclosure of any personal or business relationships between the Contractor, or its directors, officers, employees, agents, design, architectural or consulting firms, and Contractors and the Township or its directors, officers, employees, agents and Contractors.

Conflicts of interest include, but is not limited to, the following:

- Ownership by the Contractor or related organization, or a family member, of a financial interest in any entity which does business with, or seeks to do business with, or is a competitor of the Contractor;
- Serving as a director, officer, partner, consultant, employee or in any other role in any outside entity which does business with or seeks to do business with or is a competitor of the Contractor;
- The Contractor acting as a broker or other intermediary for the benefit of a third party in transactions involving its interests;
- A Contractor making use of or disclosing, to the prejudice of its clients or for its own gain, any information on decisions, bids, plans or other matters concerning the Township;
- Owners, partners, principals, directors, officers, or employees of the Contractor that are related to or affiliated with any staff member of Township; or
- Any other arrangements or circumstances, including but not limited to family or other personal relationships, which might deter the Contractor from acting in the Township's best interests.

Responsibility to avoid conflicts of interest or the perception of conflicts of interest lies with the Contractor. The Contractor will act in the best interests of the Township at all times.

5. EVALUATION

(i) All Applications will be evaluated based on any number of criteria which the Township, in its sole discretion, considers relevant, and which criteria are subject to change. These include, without limitation, the following:

1. financial resources and financial responsibility of the Contractor (15 points);
2. legal structure of the Contractor (10 points);
3. the experience of the Contractor and references (15 points);
4. the quality and availability of the Contractor's equipment, machinery and the number and qualifications of their personnel (10 points);
5. the performance record of the Contractor in the performance of contracts within the municipality and for any other public and private improvements (10 points);
6. the nature, extent and value of past and current contract commitments (10 points);
7. health and safety record and procedures (5 points);
8. litigation history and legal enforcement (10 points);
9. quality assurance and quality control programs (5 points);
10. insurance and bonding (10 points); and

11. any other fact which could affect the ability of the Applicant to properly, adequately, expeditiously and satisfactorily prosecute the work, deliver materials and/or provide equipment for which the Applicant is seeking Pre-qualification. In the event of such occurrence, the Township reserves the right to determine the adverse impact, as well as the extent of such impact, upon the evaluation of a Contractor's Application in its sole and absolute discretion.

6. INVESTIGATION

The Township may, at any time, investigate and verify the information submitted by a Contractor and any other relevant information from the sources identified by the Contractor in this Application and/or other independent sources. The Contractor shall cooperate with any investigation and hereby irrevocably authorizes all such sources of information hereunder to provide the information sought by the Township in connection with this Application.

7. PERSONAL INFORMATION

If, and to the extent that any information provided in this Application is personal information of an identifiable individual, the Contractor represents and warrants that it has obtained any and all consents required under applicable privacy laws to permit the Township to collect such information from the Contractor and to use such information in considering the Application.

8. CONFIDENTIALITY

Personal information submitted by a Contractor in accordance with the requirements of this Application will be treated as confidential by the Township and used only for the purpose of establishing the Contractor's ability to satisfy the requirements of the Application and will not be disclosed to any third party except as necessary to investigate and verify the information submitted by the Contractor as set forth in "Section Six: Health and Safety Information" and process this Application or as permitted or required by law.

9. SELECTION OF CONTRACTORS

(i) Contractors that satisfy the criteria and conditions of this Application will be notified by the Township of their selection as Pre-qualified Contractors for specified types of work.

(ii) Pre-qualified Contractors shall immediately notify the Township at the address set forth in "Section 12: Enquiries" of any changes at any time to the information submitted in the Application. Without limiting the generality of the foregoing, if a Contractor changes its name, it shall provide the Township with a detailed explanation for the change of name.

(iii) The Township may, in its sole discretion, temporarily or permanently suspend or disqualify a Pre-qualified Contractor from its Pre-qualified list that fails to maintain compliance with:

(a) any statutes, regulations, by-laws, codes, rules, standards or guidelines of municipal, provincial or federal authorities (collectively "Applicable Laws") that are applicable to this

Application or the contract for the work on a particular project; or

(b) the rules, guidelines, standards or specifications established by the Township from time to time of which the Contractor has been advised; or

(c) the requirements of this Application.

Following completion of the investigative and examination process by the Township, all Contractors who have applied for Pre-qualification will be advised in writing by the Township whether they have been approved or not for Pre-qualification. Contractors who are approved for Pre-qualification shall be approved for a period of one (1) year commencing on the date that they are notified of the approval, unless the Township notifies the Contractor in writing that its Pre-qualification has been revoked or suspended.

A Pre-qualified Contractor's Pre-qualification approval shall automatically expire after one (1) year from its approval. It is incumbent upon all Pre-qualified Contractors who wish to renew and maintain their Pre-qualification to submit a new Application at least 60 days prior to the expiry of their Pre-qualification. All renewal Applications will be investigated and examined in the same manner as original Applications and all provisions herein will apply to renewal Applications as they would to original Applications. Each year in the month of December, the Township will send reminders of the pre-qualification process to pre-qualified contractors or contractors for which their pre-qualification status has expired.

10. NO LIABILITY

All costs, expenses, losses, damages or liabilities that may be incurred by the Contractor as a result of or arising out of submitting this Application, the Township's rejection of this Application (or any renewal of same), changes to the Pre-qualification or the Contractor's subsequent temporary or permanent disqualification or suspension as a Pre-qualified Contractor or the cancellation of the Pre-qualification process altogether, shall be borne entirely by the Contractor. The Township, its employees, agents and Contractors shall not be liable for any costs, losses, damages or liabilities whatsoever in the event the Contractor is not Pre-qualified, or in the event that a Pre-qualified Contractor is temporarily or permanently suspended or disqualified. Furthermore, neither the Township nor any of its employees, agents or Contractors shall be liable for any claims, demands, actions, regulatory proceedings, penalties, damages, losses, judgments and settlements, liabilities, costs, expenses (including all legal fees and other related costs and expenses) arising out of, related to, or incidental to any breach, violation, negligence, wilful misconduct, fraud, fault, or omission of a Pre-qualified Contractor, in whole or in part, or any of its directors, officers, employees, agents or subcontractors.

11. COMPETITIVE BIDS

The Township expressly reserves the right, in its sole judgement and discretion, to determine the Pre-qualified Contractors that will be invited to submit competitive bids for a project, if any. Upon any such invitation, the Township may consider factors, other than those listed in this Application, that indicate the Contractor's ability to successfully execute a proposed project. The criteria in this Application are minimum criteria and do not limit the

criteria and conditions in a competitive bid request, competitive bid process, or any resulting contract.

This is a Pre-qualification process only. The terms of any competitive bid process relating to any contract involving the Township and pursuant to which a party submits a bid or offer shall be carried out under its own separate process and shall supersede the terms of this Pre-qualification. For clarity and certainty, this Pre-qualification shall not affect in any way any competitive bid process carried out by the Township or its lawful agent.

12. ENQUIRIES

All applications for Pre-qualification and all questions regarding this Application shall be directed to the representative of the Township, in writing as follows:

Corporation of the Township of Russell
Attn: François Landry
Gestionnaire de projets/Project Manager
717, rue Notre-Dame St.
Embrun, Ontario
K0A 1W1
francoislandry@russell.ca

The Contractor hereby attests that the information provided in this Application is true and accurate. The Contractor hereby confirms its agreement with all the terms of this Pre-qualification and agrees to be bound by such terms.

Dated at _____, in the province of Ontario this ____ day of _____, _____.

(Contractor)

Per: _____
I have the authority to bind the Corporation.

INITIAL CONTRACTOR PRE-QUALIFICATION CERTIFICATE ("Certificate")

I, the undersigned, in submitting this Contractor Pre-Qualification Application ("Application") on behalf of [_____] (the "Contractor"), do hereby certify, on behalf of the Contractor and not in my personal capacity, that:

1. I understand that the purpose of Pre-qualification is to ensure that Contractors who are interested in submitting competitive bids to the Township have the necessary minimum technical, financial and managerial competence to execute the work and that the Township may conduct additional Pre-qualifications for specific projects.

2. I understand that the Township may, in its sole discretion, temporarily or permanently suspend or disqualify a Contractor that has been Pre-qualified ("Pre-qualified Contractor") that fails to maintain compliance with:

a. any federal, provincial and municipal statutes, regulations, codes, by-laws, orders in council, directives, rules, standards, guidelines and ordinances applicable to this Application or the contract for the work on a particular project; or

b. the rules, guidelines, standards, or specifications established by the Township from time to time of which the Contractor has been advised; or

c. the requirements of this Application.

3. I understand that personal information submitted in the accompanying Application shall be treated as confidential, used only for the purpose of evaluating the Contractor's Application and will not be disclosed to any third party except as necessary to investigate and verify the information submitted by the Contractor as set forth in "Section Six: Health and Safety Information" and process this Application or as permitted or required by law.

4. I understand that the information submitted in the accompanying Application shall become the property of the Township and will not be returned.

5. I understand and agree that Pre-qualification does not entitle the Contractor to be invited to submit competitive bids for any or all of the Township's projects and that the Township expressly reserves the right, in its sole judgment and discretion, to determine which Contractors will be invited to submit competitive bids.

6. I understand that the information submitted herein is subject to verification and that additional relevant information may be obtained, if required, from references named herein and/or other independent sources. I hereby consent to these sources providing this information and to the Township independently verifying this information.

7. I represent and warrant that the Contractor has obtained any and all consents required under applicable personal information or privacy laws to provide the personal information of identifiable individuals in this Application and to permit the Township to collect such information and use such information in reviewing the Application.

8. I understand and agree that it will be the Pre-qualified Contractor's obligation to ensure that any subcontractors retained by the Pre-qualified Contractor have the skills, experience, safety training and equipment necessary to do the work that has been sub-contracted, in accordance with all federal, provincial, and municipal statutes, regulations, codes, by-laws, orders in council, directives, rules, standards, guidelines and ordinances applicable to this Agreement prior to performing any work for the Township.

9. Any and all potential conflicts of interest between the Contractor and the Township are expressly identified and fully disclosed by the Contractor in the Contractor's Application, including, but not limited to, the disclosure of any personal or business relationships between the Contractor, or the Contractor's directors, officers, employees, agents or Contractors and the Township or the Township's officers, employees, agents or Contractors.

10. I understand and agree that all costs, expenses, losses, damages or liabilities that may be incurred by the Contractor as a result of or arising out of submitting this Application or the Township's rejection of this Application, or the Pre-qualified Contractor's temporary or permanent disqualification or suspension as a Pre-qualified Contractor or the cancellation of the Pre-qualification process altogether, shall be borne entirely by the Contractor and that the Township and its officers, employees, agents and Contractors shall not be liable for any costs, losses, damages or liabilities whatsoever in the event the Contractor is not Pre-qualified, or the Contractor is temporarily or permanently suspended or disqualified as a Pre-qualified Contractor.

11. I understand that the accompanying Application submitted by the Contractor may be rejected and the Contractor disqualified at any time from the Pre-qualification if this Certificate is found not to be true and complete in every respect.

12. I have read, understand and agree to comply with the statements made in this Certificate and all statements that form part of the policy document.

13. I am duly authorized by the Contractor to sign this Certificate, and to submit the accompanying Application, on behalf of the Contractor.

Contractor's Full Corporate/Business/Partnership Name

Authorized Representative's Signature
I have the authority to bind the corporation/company/partnership.

Name:

Title:

Date

SECTION ONE: PROJECT VALUE and PROJECT CATEGORIES

Project Value

Select each level as applicable

- Level 1 – Between \$ 50,000 and 100,000
- Level 2 – Between \$200,000 and \$ 500,000
- Level 3 – Between \$500,000 and \$ 1,000,000
- Level 4 – Between \$1,000,000 and \$ 3,000,000
- Level 5 – Between \$3,000,000 and \$ 10,000,000
- Level 6 – Over \$10,000,000

Project Categories

Contractors shall identify the project category or categories for which the Contractors are seeking to be pre-qualified by marking the applicable boxes:

Roadworks and Earthworks:			
	Road Construction		Retaining Walls
	Noise Barrier (Sound Attenuation)		Earthworks
	Asphalt Paving		Concrete Paving
	Asphalt & Concrete Saw Cutting		Crack Sealing of Roads
	Asphalt Planing		Asphalt Road Repairs
	Gravel Lane Re-construction		Maintenance Repair of Parking Lots
	Micro Surfacing		Mud Jacking/Pressure Grouting
	Concrete Work Including Non-Reinforced Concrete Work, Curb, Gutter, Apron and Sidewalk		
Streetlighting:			
	Streetlight Construction		
Traffic Signals:			
	Traffic Signal Construction		
Bridgework:			
	Bridges – New Construction		Bridge Deck Rehabilitation
	Bridge Deck Asphalt Paving		Expansion Joint Replacement
	Bridge Painting & Sandblasting		

Facilities/Buildings:		
General Contractor		Specialties
Interior Fit-Up Contractor		Signage
Asbestos Remediation		Bird Control Devices
Mold Remediation		Equipment
Concrete		Furnishings
Garage Repairs		Conveying Equipment
Concrete Repairs		Elevators
Masonry		Escalators
Stone Restoration		Handicap Lifts
Metals		Mechanical
Metal Fabrications		Fire Suppression
Wood, Plastics, and Composites		Plumbing
Thermal and Moisture Protection		Heating, Ventilation, A/C, HVAC
Roofing and Sheet Metal		Duct Cleaning
Joint Protection (Caulking)		Chiller
Openings		Building Automation Systems
Windows & Skylights		Fuel Storage Tanks
Finishes		Electrical Contractors
Plaster and Gypsum Board		High Voltage Contractors
Ceilings		Interior Lighting
Floorings		Exterior Lighting
Wall Finishes		Communications
Painting & Coatings		Cabling
Electronic Safety and Security		Project Management
Access Control		Energy Management
Electronic Surveillance		Emergency Planning
Fire Detection and Fire Alarm		Heritage Restoration
Generators		LEED / Green Building
Sheet Metal		Refrigeration
Other:		
Landscaping:		
Landscape Construction		Landscape Maintenance
Pathway Construction		
Other:		
Irrigation:		
Irrigation Construction		Irrigation Maintenance
Other:		

Urban Forestry:		
	Urban Forestry Construction	Urban Forestry Maintenance
	Other:	

Waste & Recycling Services:		
	Landfill Earthworks – Clay Liner, Clay Cap, Overland Drainage Construction	
	Landfill Underground Utilities – Synthetic Liners	
	Landfill Leachate Collection Systems	
	Other:	

Water & Wastewater Construction – Utilities & Facilities		
	Water & Wastewater Treatment Plants	
	Watermain, Sanitary Sewer and Storm Sewer Installation & Replacement	
	Wastewater Pump Stations and Lift Stations	
	Water Pump Stations and Reservoirs	
	Stormwater Ponds and Wetlands	
	Outfalls, Riverbank Stabilization and Erosion Protection, Repairs and Upgrading	
	Water Feeder Mains, Sanitary Sewer Trunks, Stormwater Sewer Trunks	
	Sanitary Forcemains and Syphons	
	Trenchless Installations	
	Replacement & Rehabilitation of Watermains	
	Auger Boring; Horizontal Direction Drilling (HDD)	
	Tunnelling (TBM, Microtunnelling, Hand Tunnelling etc.)	
	Cured-in-Place (CIP) Lining, Sewage and Slip Lining	
	Pipe Bursting	
	Ramming & Jacking	
	Other:	

Project Management (To complete only if Contractor is applying for Levels 4, 5, or 6 Pre-qualification)	
Does your company have a quality management system that is accredited and certified by a third party? (i.e. ISO, ANSI, etc.)	
Yes: <input type="checkbox"/> No: <input type="checkbox"/>	
<i>If "Yes", please provide a copy in a separate attachment.</i>	
Does your company have an in-house corporate management system which addresses the following competency standards?	
	<ol style="list-style-type: none"> 1. Integration, 2. Scope Management, 3. Time Management, 4. Cost Management, 5. Quality Management, 6. Human Resources Management, 7. Communications Management, 8. Risk Management, 9. Procurement Management
Yes: <input type="checkbox"/> No: <input type="checkbox"/>	
<i>If "Yes", please provide details in a separate attachment.</i>	

SECTION TWO: BUSINESS INFORMATION

If required, Contractors may supplement the information requested with an additional sheet(s) marked as "Appendix to Section Two – Business Information".

Business Contact Information				
Business name (Legal Name / Operating name):				
Phone:	Fax:	Email:	Internet address:	
Registered company address:				
City:	Province:	Postal Code:		
<p>Is the Address for billing and invoicing purposes same as above?</p> <p>Yes: <input type="checkbox"/> No: <input type="checkbox"/></p> <p><i>(If "No", please provide details below.)</i></p>				
Contact person:				
Title:	Phone:	Fax:	Email:	
Year business established:				
Quality assurance program(s): Yes/No		Date of Implementation:		
<i>(submit a copy and any related documentation thereto)</i>				
Number of full-time employees:		Union affiliation:		
Organizational chart : Yes/No		Mission statement: Yes/No		
<i>(submit a copy and any related documentation thereto)</i>				
Legal Structure				
Sole Proprietorship: <input type="checkbox"/>	Partnership: <input type="checkbox"/>	Corporation: <input type="checkbox"/>	Subsidiary: <input type="checkbox"/>	Other: <input type="checkbox"/> <i>(specify)</i>
If a corporation, it is <input type="checkbox"/> Federal <input type="checkbox"/> Ontario <input type="checkbox"/> Other		Incorporation number:		
<i>(specify)</i>				
<i>(submit articles of incorporation)</i>				
<i>If a partnership or a trust, submit trust deed or partnership agreement</i>				

If subsidiary, provide the legal/operating name of the parent company and submit the parent company's articles of incorporation together with all other information requested under this section in a separate attachment :		
Parent company registered address:		
City :	Province :	Postal Code :
Year company established :		
<p>Has the company ever changed its name?</p> <p>Yes: <input type="checkbox"/> No: <input type="checkbox"/></p> <p><i>If "Yes", please provide details in a separate attachment.</i></p>		
<p>Are there any judgments, order, claims, actions, applications or suits pending or outstanding against your company?</p> <p>Yes: <input type="checkbox"/> No: <input type="checkbox"/></p> <p><i>If "Yes", please provide details in a separate attachment.</i></p>		
<p>Has the company received any regulatory (including but not limited to the Ministry of Labour and the Ministry of Environment) orders from any of competent authority and/or been subject to regulatory prosecution in the last three (3) years?</p> <p>Yes: <input type="checkbox"/> No: <input type="checkbox"/></p> <p><i>If "Yes", please provide details in a separate attachment.</i></p>		
<p>In the last two (2) years, has your company been ordered to stop work or has been restricted from performing work by any body of competent authority?</p> <p>Yes: <input type="checkbox"/> No: <input type="checkbox"/></p> <p><i>If "Yes", please provide details in a separate attachment.</i></p>		
<p>Does the company, its principals, directors, officers or its employees have any charges, claims, liens, actions, applications or suits pending or outstanding?</p> <p>Yes: <input type="checkbox"/> No: <input type="checkbox"/></p> <p><i>If "Yes", please provide details in a separate attachment.</i></p>		
<p>Has the company ever been charged with an offence related to the performance of its services?</p> <p>Yes: <input type="checkbox"/> No: <input type="checkbox"/></p> <p><i>If "Yes", please provide details in a separate attachment.</i></p>		
<p>Does the company have any previous experience in the provision of labour and/or materials to the Township?</p> <p>Yes: <input type="checkbox"/> No: <input type="checkbox"/></p> <p><i>If "Yes", please provide details in a separate attachment.</i></p>		
Is the company involved in organizations such as the Construction Safety Association or the Industrial Accident		

Prevention Association?

Yes: No:

If "Yes", please provide details in a separate attachment.

Officers/Directors/Partners/Principals

1. Name	Title	Phone
2. Name	Title	Phone
3. Name	Title	Phone
4. Name	Title	Phone
5. Name	Title	Phone
6. Name	Title	Phone
7. Name	Title	Phone
8. Name	Title	Phone

Authorized Signatories

1. Name	Title	Phone
2. Name	Title	Phone
3. Name	Title	Phone
4. Name	Title	Phone

Key Personnel *Please attach copies of résumés for all Key Personnel. The Résumés should outline the role, responsibilities and achievements of the person, and not just a list of completed projects. Details should also include project dates, construction budgets and project descriptions. The entire work experience of Key Personnel should be recognized, not just the time employed by the current*

President / C.E.O.:	
Vice-President:	
Treasurer:	
Health & Safety Supervisor:	
Project Manager:	
Estimator:	
Superintendent:	
Foreman:	
Other:	
Other:	
Other :	

Property Information

Business property owned? Yes/No		How long at current address?
Business property leased? Yes/No (<i>submit landlord contact information</i>)		
In a separate attachment, if applicable, please provide a list of branch offices and the primary function of each office.		

SECTION THREE: FINANCIAL INFORMATION

If required, Contractors may supplement the information requested with an additional sheet(s) marked as "Appendix to Section Three – Financial Information".

Financial References				
Bank name:		Bank Number:		
Bank address:				
City:	Province:	Postal Code:		
Phone:	Fax:	Email:	Internet address:	
Contact person:		Title:	Phone:	
Type of account : <input type="checkbox"/> Savings <input type="checkbox"/> Chequing <input type="checkbox"/> Other (<i>specify</i>)				
Account Number :				
Transit Number :				
Submit financial statements for the shorter of the last three (3) years and the number of years in business :				
Insurance References				
Insurance company name:				
Address:				
City:	Province:	Postal Code:	Phone:	Fax:
Contact person:		Title:	Phone:	
Contractor has a minimum amount of \$5,000,000 in comprehensive general liability insurance per occurrence: <input type="checkbox"/> Yes <input type="checkbox"/> No				
If yes, indicate the minimum amount of coverage per occurrence: <i>(submit articles of the insurance certificate)</i>				
Contractor has a minimum amount of \$2,000,000 in automobile general liability insurance per occurrence: <input type="checkbox"/> Yes <input type="checkbox"/> No				
If yes, indicate the minimum amount of coverage per occurrence: <i>(submit articles of the insurance certificate)</i>				

Bonding Company References				
Bonding company name:				
Address :				
City:	Province:	Postal Code:	Phone:	Fax:
Contact person:		Title:	Phone:	
Indicate performance bonding limits:				
<i>(submit letter from the bonding company indicating total bonding limit and confirming the availability of bonding)</i>				
Primary Supplier References				
1. Company name:				
Address:				
City:	Province:	Postal Code:	Phone:	Fax:
Contact person:		Title:	Phone:	
2. Company name:				
Address:				
City:	Province:	Postal Code:	Phone:	Fax:
Contact person:		Title:	Phone:	
3. Company name:				
Address:				
City:	Province:	Postal Code:	Phone:	Fax:
Contact person:		Title:	Phone:	
4. Company name:				
Address:				
City:	Province:	Postal Code:	Phone:	Fax:
Contact person:		Title:	Phone:	
5. Company name:				

Address:				
City:	Province:	Postal Code:	Phone:	Fax:
Contact person:		Title:	Phone:	

The names, telephone numbers and all other contact information of contact person(s) provided herein must be current and accurate. The Contractor hereby irrevocably authorizes the Township to contact the named persons to obtain such information as the Township reasonably deems required in its absolute discretion from time to time. The Contractor hereby agrees to provide such further information and to execute such further documents as may be reasonably necessary to enable the Township to obtain the information required hereunder.

SECTION FOUR: PROJECTS COMPLETED

For the projects completed as of the date of submitting this Application, contractors shall provide a minimum of five (5) project references, from at least two (2) different sources, with a minimum of one (1) reference with a value equal to or greater than the highest level applied for. If required, Contractors may supplement the information requested with an additional sheet(s) and/or additional references marked as "Appendix to Section Four – Projects Completed".

1. Project title:		
Location:	Description :	
Duration of project:	Date completed:	
Project owner :	Project value : \$	
Contact person:	Title:	Phone:
<p>Please provide other project details such as size and complexity, major vendors and suppliers involved, Key Personnel involved and such other matters of relevance and importance. Please provide separate attachment if space below is insufficient.</p>		
2. Project title:		
Location:	Description :	
Duration of project:	Date completed:	
Project owner :	Project value : \$	
Contact person:	Title:	Phone:
<p>Please provide other project details such as size and complexity, major vendors and suppliers involved, Key Personnel involved and such other matters of relevance and importance. Please provide separate attachment if space below is insufficient.</p>		
3. Project title:		
Location:	Description :	
Duration of project:	Date completed:	
Project owner :	Project value : \$	

Contact person:	Title:	Phone:	
Please provide other project details such as size and complexity, major vendors and suppliers involved, Key Personnel involved and such other matters of relevance and importance. Please provide separate attachment if space below is insufficient.			
4. Project title:			
Location:		Description :	
Duration of project:		Date completed:	
Project owner :		Project value : \$	
Contact person:	Title:	Phone:	
Please provide other project details such as size and complexity, major vendors and suppliers involved, Key Personnel involved and such other matters of relevance and importance. Please provide separate attachment if space below is insufficient.			
5. Project title:			
Location:		Description :	
Duration of project:		Date completed:	
Project owner :		Project value : \$	
Contact person:	Title:	Phone:	
Please provide other project details such as size and complexity, major vendors and suppliers involved, Key Personnel involved and such other matters of relevance and importance. Please provide separate attachment if space below is insufficient.			

SECTION FIVE: PROJECTS UNDERWAY

Contractors shall provide a minimum of three (3) references of the projects underway as of the date of submitting this Application. If required, Contractors may supplement the information requested with an additional sheet(s) and/or additional references marked as "Appendix to Section Five – Projects Underway".

1. Project title:		
Location:	Description :	
Duration of project:	Date completed:	
Project owner :	Project value : \$	
Contact person:	Title:	Phone:
2. Project title:		
Location:	Description :	
Duration of project:	Date completed:	
Project owner :	Project value : \$	
Contact person:	Title:	Phone:
3. Project title:		
Location:	Description :	
Duration of project:	Date completed:	
Project owner :	Project value : \$	
Contact person:	Title:	Phone:

SECTION SIX: HEALTH AND SAFETY INFORMATION

1. REQUIRED DOCUMENTATION

Contractors shall submit the following information with their Application:

- (a) a signed and dated copy of the Contractor's health and safety policy, which complies with the requirements set out in the *Occupational Health and Safety Act* and the regulations thereunder, as amended ("OHSA");
- (b) a description of the Contractor's health and safety program;
- (c) a description of the training programs provided to the Contractor's employees;
- (d) the training records of each employee that may perform work on Township project(s);
- (e) a written statement certifying that each of the Contractor's supervisors that may perform work on the project(s) are "competent persons", as that term is defined in the OHSA, and that each of the Contractor's employees that may perform work on the project(s) are "competent workers" as that term is defined in the OHSA;
- (f) a copy of the Contractor's Workplace Safety and Insurance Board ("WSIB") NEER/CAD injury experience report for the current year and the previous year;
- (g) the names and WSIB certification numbers of the Contractor's Joint Health and Safety Committee co-chairs;
- (h) a WSIB Cost and Frequency Report for the shorter of the last five (5) years and the number of years the Contractor has been in business;
- (i) a list of all supervisors who will co-ordinate work and safety during any Township projects;
- (j) if applicable, a statement certifying that the Contractor is a member in good standing of the Electrical and Utilities Safety Association ("EUSA");
- (k) The Township reserves the right to request for a re-submission of Section 6 & Section 7 of this Prequalification document for each contract as this information may be subject to change.

2. CERTIFICATES

Contractors shall submit any certificates or licenses required by all Applicable Laws that are applicable to this Application, including, without limitation:

- (a) a copy of the Contractor's WSIB Certificate of Clearance;
- (b) if applicable for the Contractor's intended work with the Township, Lineman Ontario Provincial Classification or Journeyman Certificates issued by the Municipal Electric Association ("MEA") for each employee;
- (c) if applicable for the Contractor's intended work with the Township, Electrical Awareness Certificates issued by the EUSA for each employee;
- (d) a copy of the Contractor's Commercial Vehicle Operator Certificate issued by the Ministry of Transportation (Ontario) ("MTO");

(e) if applicable for the Contractor's intended work with the Township, certificates for dielectric, acoustic and stability tests certified in accordance with the standards of the Canadian Standards Association (the "CSA"), and specifically CSA standard C225-M1988 and/or CSA standard C225-00, or such other standards as may be applicable at the time of submitting the Application;

(f) documentation for each commercial vehicle, trailer, or combination with weight in excess of 4500 kg that will or may be used on a project, certifying that they have received a valid Periodic Mandatory Commercial Vehicle Inspection ("PMVCI") sticker pursuant to the guidelines of the MTO;

(g) if applicable for the Contractor's intended work with the Township, a Certificate of Approval for the Facilitation of Asbestos Removal issued by the Ministry of the Environment (Ontario); and

(h) such other certificates or licenses required by any Applicable Laws or industry standards that may apply to this Application.

3. MISCELLANEOUS

Provide details as to the following:

<p>Does your company provide its employees with mandatory health and safety training? Yes: <input type="checkbox"/> No: <input type="checkbox"/></p> <p><i>If "Yes", please provide details in a separate attachment (as per Section 1 above).</i></p>
<p>Have all of your company's employees that will be working on our projects received mandatory health and safety training? Yes: <input type="checkbox"/> No: <input type="checkbox"/></p> <p><i>If "Yes", please provide details in a separate attachment (as per Section 1 above).</i></p>
<p>Does your company develop and maintain safe work procedures and standards related to its work? Yes: <input type="checkbox"/> No: <input type="checkbox"/></p> <p><i>If "Yes", please provide a copies as a separate attachment.</i></p>
<p>Does your company develop and maintain safe work procedures and standards for the work being performed? Yes: <input type="checkbox"/> No: <input type="checkbox"/></p> <p><i>If "Yes", please provide details in a separate attachment.</i></p>
<p>Does your company's safety program identify work hazards for its work activities and does it have procedures in place to eliminate or control, as necessary applicable and appropriate, such hazards? Yes: <input type="checkbox"/> No: <input type="checkbox"/></p> <p><i>If "Yes", please provide details in a separate attachment.</i></p>
<p>Does your company conduct periodic reviews of its safety program to ensure its effectiveness? If so, please confirm how frequently. Yes: <input type="checkbox"/> No: <input type="checkbox"/></p> <p><i>If "Yes", please provide details in a separate attachment.</i></p>
<p>Does your company have a process in place that allows employees to promptly submit reports of hazards, incidents, and near-misses on the company's work-sites? (Note: Incidents include, without limitation, injuries and death, equipment damage, property damage, spills, releases, fire, security and near-misses.)</p>

<p>Yes: <input type="checkbox"/> No: <input type="checkbox"/></p> <p><i>If "Yes", please provide details in a separate attachment.</i></p>	
<p>Does your company's management, operations' staff, supervisory staff, and employees comply with the OHSA as well as all matters governed by the WSIB applicable to your organization's work activities?</p> <p>Yes: <input type="checkbox"/> No: <input type="checkbox"/></p> <p><i>If "Yes", please provide details in a separate attachment.</i></p>	
<p>Is your company experience under the WSIB rated CAD-7 New Experimental Experience Rating ("NEER") Program?</p> <p>Yes: <input type="checkbox"/> No: <input type="checkbox"/></p> <p><i>If "Yes", please provide details in a separate attachment including CAD-7 reports.</i></p>	
<p>Has an employee of your company suffered a work related fatal accident or "critical injury" as defined by the Ontario Occupational Health & Safety Act or the Regulations thereunder?</p> <p>Yes: <input type="checkbox"/> No: <input type="checkbox"/></p> <p><i>If "Yes", please provide details in a separate attachment.</i></p>	
<p>Has your company ever been subjected to or undergone a "WorkWell Audit" under the WSIB?</p> <p>Yes: <input type="checkbox"/> No: <input type="checkbox"/></p> <p><i>If "Yes", please provide details in a separate attachment including what was your company's final score?</i></p>	
<p>Does your company's health and safety program include work practices and procedure such as the following: <i>(if the answer is "Yes", please provide details in a separate attachment)</i></p>	
Equipment Lockout and Tag-out (LOTO)	Yes: <input type="checkbox"/> No: <input type="checkbox"/>
Confined Space Entry	Yes: <input type="checkbox"/> No: <input type="checkbox"/>
Fall Protection	Yes: <input type="checkbox"/> No: <input type="checkbox"/>
Personal Protective Equipment	Yes: <input type="checkbox"/> No: <input type="checkbox"/>
Portable Electrical / Power Tools	Yes: <input type="checkbox"/> No: <input type="checkbox"/>
Vehicle Safety	Yes: <input type="checkbox"/> No: <input type="checkbox"/>
Compressed Gas Cylinders	Yes: <input type="checkbox"/> No: <input type="checkbox"/>
Electrical Equipment Grounding Assurance	Yes: <input type="checkbox"/> No: <input type="checkbox"/>
Powered Industrial Vehicles (Cranes, Forklifts, etc)	Yes: <input type="checkbox"/> No: <input type="checkbox"/>
Housekeeping	Yes: <input type="checkbox"/> No: <input type="checkbox"/>

Accident / Incident Reporting	Yes: <input type="checkbox"/> No: <input type="checkbox"/>
Unsafe Condition Reporting	Yes: <input type="checkbox"/> No: <input type="checkbox"/>
Emergency Preparedness, including Evacuation Plan	Yes: <input type="checkbox"/> No: <input type="checkbox"/>
Waste Disposal	Yes: <input type="checkbox"/> No: <input type="checkbox"/>
Respiratory Protection	Yes: <input type="checkbox"/> No: <input type="checkbox"/>
Designated Substance Management	Yes: <input type="checkbox"/> No: <input type="checkbox"/>
<p>Do you have a policy for the termination of contracts of subcontractors who do not comply with the Occupational Health & Safety Act and Regulations and or your company's rules and policies?</p> <p>Yes: <input type="checkbox"/> No: <input type="checkbox"/></p> <p><i>If "Yes", please provide a copy as a separate attachment.</i></p>	
<p>Do you have personnel certified in standard care first aid?</p> <p>Yes: <input type="checkbox"/> No: <input type="checkbox"/></p> <p><i>If "Yes", please provide a copy of certifications.</i></p>	
<p>Do you have an emergency plan in place?</p> <p>Yes: <input type="checkbox"/> No: <input type="checkbox"/></p> <p><i>If "Yes", please provide a copy as a separate attachment.</i></p>	
<p>Does your company provide first aid kits on all its work sites?</p> <p>Yes: <input type="checkbox"/> No: <input type="checkbox"/></p>	
<p>Does your company provide personal protective equipment (commonly known as "PPE") to all its employees?</p> <p>Yes: <input type="checkbox"/> No: <input type="checkbox"/></p> <p><i>If "Yes", please provide a description of what PPE is provided.</i></p>	
<p>Do you have a program to ensure that the PPE that has been provided is inspected and maintained?</p> <p>Yes: <input type="checkbox"/> No: <input type="checkbox"/></p> <p><i>If "Yes", please provide a copy as a separate attachment.</i></p>	
<p>Are your company's employees trained in PPE use?</p> <p>Yes: <input type="checkbox"/> No: <input type="checkbox"/></p> <p><i>If "Yes", please provide details and a copy of training materials if applicable.</i></p>	
<p>Do you have a corrective action process to address safety and health performance deficiencies?</p> <p>Yes: <input type="checkbox"/> No: <input type="checkbox"/></p> <p><i>If "Yes", please provide details in a separate attachment.</i></p>	
<p>Does your company's management personnel conduct routine site inspections and if so, how frequently?</p> <p>Yes: <input type="checkbox"/> No: <input type="checkbox"/></p>	

<p><i>If "Yes", please provide details in a separate attachment.</i></p>
<p>Does your company conduct routine health and safety meetings? If, please indicate how frequently. Yes: <input type="checkbox"/> No: <input type="checkbox"/></p> <p><i>If "Yes", please provide details in a separate attachment.</i></p>
<p>If routine health and safety meetings are held, does your company keep minutes of such meetings and maintain them on file? Yes: <input type="checkbox"/> No: <input type="checkbox"/></p>
<p>If minutes of health and safety minutes are kept, does your company promptly circulate those minutes to all employees? Yes: <input type="checkbox"/> No: <input type="checkbox"/></p>
<p>If minutes of health and safety meetings are held, does your company follow-up on outstanding items at its next scheduled health and safety meeting? Yes: <input type="checkbox"/> No: <input type="checkbox"/></p>
<p>Does your company have a policy outlining the responsibilities and frequency for conducting regular inspection of equipment, work sites and employee action? Yes: <input type="checkbox"/> No: <input type="checkbox"/></p> <p><i>If "Yes", please provide a copy as a separate attachment.</i></p>
<p>Does your company use safety and health performance criteria in the selection of subcontractors? Yes: <input type="checkbox"/> No: <input type="checkbox"/></p> <p><i>If "Yes", please provide details in a separate attachment.</i></p>
<p>Does your company include your subcontractors in its health and safety procedures (including but not limited to orientation) and health and safety meetings? Yes: <input type="checkbox"/> No: <input type="checkbox"/></p> <p><i>If "Yes", please provide details in a separate attachment.</i></p>
<p>Does your company conduct health and safety audits as pertains to your subcontractors? Yes: <input type="checkbox"/> No: <input type="checkbox"/></p> <p><i>If "Yes", please provide details in a separate attachment.</i></p>
<p>Does your company keep health and safety records for all its employees? Yes: <input type="checkbox"/> No: <input type="checkbox"/></p> <p><i>If "Yes", please provide details in a separate attachment.</i></p>
<p>Does your company have a modified work program for injured workers? Yes: <input type="checkbox"/> No: <input type="checkbox"/></p> <p><i>If "Yes", please provide details in a separate attachment.</i></p>
<p>In the last five (5) years, has anyone commenced any action, application or suit against your company arising out of an accident involving your company? Yes: <input type="checkbox"/> No: <input type="checkbox"/></p> <p><i>If "Yes", please provide details in a separate attachment.</i></p>

SECTION SEVEN: MINIMUM EMPLOYEE TRAINING REQUIREMENTS

Contractors shall identify below the areas of training its employees have completed. This section applies to employees who will work on the projects only.

Employee	Training Details No. 1	Training Details No. 2	Training Details No. 2

SECTION EIGHT: KEY PERSONNEL AND EMPLOYEE QUALIFICATIONS

Contractors shall provide the name and the date of completion in the relevant column for each current employee that has any of the qualifications listed herein. If required, Contractors may supplement the information requested with an additional sheet(s) marked as "Appendix to Section Eight – Employee Qualifications".

NAME	TRADE [If applicable, please specify]	JOURNEY- PERSON / APPRENTICE [If applicable, please specify]	YEARS OF EXPERIEN CE	YEARS WITH CONTRAC TOR	CERTIFICATE NUMBER [Specify]	COMPLETED JOURNEY- PERSON PROFICIENCY COURSE [If applicable, please specify]	COMPLETED SAFETY COURSES [Specify and Date]	FIRST AID TRAINING [Specify and Date]	CPR [Specify and Date]	WHMIS TRAINING [Specify and Date]

SECTION NINE: VEHICLE AND EQUIPMENT DESCRIPTION CAPABILITIES

Contractors shall identify all vehicles and equipment owned or leased by the Contractor that will or may be used to perform work on a project for the Township. If required, Contractors may supplement the information requested with an additional sheet(s) marked as "Appendix to Section 9 – Vehicle and Equipment Description Capabilities".

VEHICLE or EQUIPMENT #	DESCRIPTION	AGE [indicate year]	MTO		OTHER
			Certificate [Specify]	Date	

Does your company have a preventative maintenance program for all its vehicles and equipment?

Yes: No:

If "Yes", please provide a copy as a separate attachment.

Does your company have a policy for purchasing material, renting equipment that comply with recognized applicable industry standards (i.e. Canadian Standards Association ("CSA"), American Society of Mechanical Engineers ("ASME"), etc.

Yes: No:

If "Yes", please provide a copy as a separate attachment.