

By-law 2019-153

A By-law of the City of Greater Sudbury to to Amend By-law 2014-1 being a By-law of the City of Greater Sudbury Governing Procurement Policies and Procedures

Whereas Council of the City of Greater Sudbury deems it desirable to further amend By-law 2014-1 being the By-law Governing Procurement Policies and Procedures of the City of Greater Sudbury;

Now therefore Council of the City of Greater Sudbury hereby enacts as follows:

Definition Changes

1. Subsection 4.(1) of By-law 2014-1 being a By-law of the City of Greater Sudbury Governing Procurement Policies and Procedures, as amended, is hereby further amended by:
 - (a) repealing the definition of "Approved Invoice" and enacting in its place and stead:

"Approved Invoice" means a Supplier's original invoice issued at the time of purchase of Goods or Services not exceeding \$4,999 and which bears both the signature of an Authorized Person and appropriate account number(s);"
 - (b) repealing the definition of "Bid" and enacting in its place and stead:

"Bid" means an offer or Proposal from a Supplier in response to a Bid Solicitation, and includes a Request for Pre-Qualification for the application of this By-law;"
 - (c) repealing the definition of "Bidder" and enacting in its place and stead:

"Bidder" means a person that submits a Bid in response to a Bid Solicitation or a Request for Pre-Qualification;"
 - (d) repealing the definition of "Litigation" and enacting in its place and stead:

"Litigation" means any dispute between the City and any other party or related party adverse in interest before any Court, administrative tribunal, arbitrator or adjudicator and includes a threat of litigation made in writing;"
 - (e) adding the following definition immediately before the definition for "Request for Proposal":

“Request for Pre-qualification” means a process where information is requested from Suppliers to determine whether or not the Supplier has the capability in all respects to perform the Contract requirements. The Request for Pre-qualification process is initiated before a Request for Tender or Request for Proposal is issued and only prequalified Suppliers are eligible to submit a Bid on such Bid Solicitations;”.

Changes to Section 5

2. Section 5 of By-law 2014-1 being a By-law of the City of Greater Sudbury Governing Procurement Policies and Procedures, as amended, is hereby further amended by:

- (a) repealing subsections 5.(4) to and including 5.(6) and enacting the following subsections in their place and stead:

“ (4) The following local boards and corporations are bound by this By-law and this By-law shall apply with necessary modifications to such local boards and corporations:

Greater Sudbury Police Services Board;

Greater Sudbury Public Library Board;

City of Greater Sudbury Community Development Corporation;

Greater Sudbury Housing Corporation; and,

Sudbury Airport Community Development Corporation.

(5) For all purposes of the application of this By-law and this Section to the local boards and corporations referred to in Subsection 5(3), all references, where appropriate and applicable, to Council herein shall be replaced with the governing body of each of the following local boards and corporations as follows:

Greater Sudbury Police Services Board;

Greater Sudbury Public Library Board;

City of Greater Sudbury Community Development Corporation;

Greater Sudbury Housing Corporation; and,

Sudbury Airport Community Development Corporation.

(6) For all purposes of the application of this By-law and this Section to the local boards and corporations referred to in Subsection 5(3), all references, where appropriate and applicable, to ELT Members shall be replaced with the following persons associated with the following local boards and corporations:

Greater Sudbury Police Services Board: Chief of Police or designate;

Greater Sudbury Public Library Board: General Manager of Community Development or designate;

City of Greater Sudbury Community Development Corporation: General Manager of Growth and Development or designate;

Greater Sudbury Housing Corporation: General Manager of Community Development or designate; and,

Sudbury Airport Community Development Corporation: Chief Executive Officer of Airport Services or designate.”.

(b) adding and enacting the following subsection immediately following subsection 5.(6) as subsection 5.(7):

“ (7) Bid Solicitations shall comply with all applicable law and trade agreements.”

Amend Section 15

3. Section 15 of By-law 2014-1 being a By-law of the City of Greater Sudbury Governing Procurement Policies and Procedures, as amended, is hereby further amended by repealing subsection 15.(1) and enacting in its place and stead:

“Purchases Between Twenty-five Thousand (\$25,000) and Ninety-Nine Thousand Nine Hundred and Ninety-Nine Dollars (\$99,999)

15.-(1) Purchases between Total Acquisition Cost amounts of \$25,000 and \$99,999 shall be conducted by an Authorized Person except where the procurement method is a Request for Proposal or Request for Tender or where a Bid Deposit or performance guarantee is required, in which case the purchase shall be conducted by the Agent on behalf of the Authorized Person. Procurements using the Quotation Procedure shall be Awarded to the lowest compliant quotation.”

Amend Section 21

4. Section 21 of By-law 2014-1 being a By-law of the City of Greater Sudbury Governing Procurement Policies and Procedures, as amended, is hereby further amended repealing subsections 21.(1) and 21.(2) and enacting in their place and stead:

"Request for Pre-Qualification

21.-(1) For any of the purchasing methods listed in this By-law, a Request for Pre-Qualification may be used where the Authorized Person, through the Agent, wishes to ensure that Suppliers have the necessary experience, qualifications, and resources to provide the Goods, Services or Construction anticipated to be procured. The selection of Bidders to proceed to a procurement method by way of a Request for Pre-Qualification shall not create any contractual obligation between the City and a pre-qualified Supplier.

(2) The City may establish, maintain and renew a Multi-Use List of Suppliers for the purpose of a procurement process for the purchase of Goods, Services or Construction pursuant to the provisions of this By-law, based on Suppliers who have satisfied the conditions for participation on the list by way of a Request for Pre-Qualification."

Amend Section 33

5. Section 33 of By-law 2014-1 being a By-law of the City of Greater Sudbury Governing Procurement Policies and Procedures, as amended, is hereby further amended by repealing subsection 33.(1) and enacting in its place and stead:

"33.-(1) The Award of all procurements over \$24,999 shall be formalized by way of a Purchase Order or other Contract issued to confirm the purchase of the Goods, Services or Construction, except for purchases of Goods or Services by a Procurement Card in accordance with the Procurement Card Policy."

Effective Date

6. This By-law comes into effect on October 1, 2019.

Read and Passed in Open Council this 24th day of September, 2019



Mayor



Clerk