

The Corporation of the Township of Centre Wellington

By-law 2023-65

A By-law to Establish Policies and Procedures for the Procurement of Goods and Services by the Township of Centre Wellington and to Repeal By-law 2013-093

Whereas Section 9 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, provides that a municipality has the capacity, rights, powers, and privileges of a natural person for the purpose of exercising its authority under this or any other Act; and

Whereas Section 11 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, provides municipalities with the authority to provide for any service of thing that the municipality considers necessary or desirable for the public; and

Whereas Section 271 (1) of the Municipal Act, 2001, S.O. 2001, C. 25, as amended provides that a municipality shall adopt and maintain policies with respect to its procurement of goods and services; and

Whereas the Council of the Township of Centre Wellington deems it desirable to enact a By-law to provide for fair, transparent, and accountable procurement and tendering procedures and thereby protect Council, vendors and staff involved in the process by providing clear direction and accountabilities;

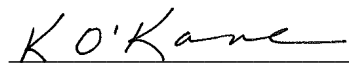
Now Therefore the Council of the Corporation of the Township of Centre Wellington hereby enacts as follows:

1. That Schedule "A" – Procurement Policy attached hereto, forms part of this By-law.
2. That By-law 2013-093 be hereby repealed.
3. That this By-law shall come into force and take effect upon its final passing.

Read a first, second and third time and finally passed this 31st day of July, 2023.



Mayor – Shawn Watters



Clerk – Kerri O'Kane



Procurement Policy

SUBJECT: Procurement Policy

EFFECTIVE DATE: July 31, 2023

1.1 Policy Purpose:

The purpose of this policy is to specify the principles and requirements that will govern the procurement of all goods and services at the Township of Centre Wellington (the "Township").

1.2 Scope

This policy provides the following scope:

- (a) This policy applies to all departments within the Township.
- (b) This policy applies to the procurement of all deliverable(s) except for those items set out as exemptions in the **Schedule "A"**
- (c) This policy applies to the Township's purchasing card program.
- (d) In addition to this policy, the Township has procedures, protocols, templates, and forms for use during the procurement process to assist departments in achieving compliance with this policy. All tools for engaging in Procurement activity will be maintained and updated by the Township's Purchasing & Risk Division, as required.

1.3 Goals:

The goals of this policy are to ensure that the Township conducts its procurement operations in a manner that:

- (a) Encourages open, fair, and transparent procurement processes that afford equal access to all qualified vendors.
- (b) Provides objective and equitable treatment of all vendors.
- (c) Provides for reciprocal non-discrimination and geographic neutrality with respect to its trading partners in accordance with trade agreement obligations.
- (d) Achieves best value for the Township through consideration of the full range of procurement formats and the adoption of commercially reasonable business practices.
- (e) Effectively balances accountability and efficiency.
- (f) Adheres to the highest standards of ethical conduct and protects the integrity of the Township and the public.
- (g) Integrates good health and safety practices throughout the procurement process.



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2.1 Council:

In accordance with best practices in municipal procurement, Council recognizes the need for a clear separation of political and administrative functions in relation to the Township's procurement operations. In fulfilling this role, Council:

- (a) Will adopt this Procurement Policy and approve expenditures through the Township's budget approval process and periodic staff reports.
- (b) Delegates to Township staff the authority to make expenditures in accordance with this policy (see Tables 3, 4 and 5) and sign agreements (see Table 6) in accordance with approved funding (from budgets and staff reports) and the procurement protocols and procedures.
- (c) Facilitate oversight role in respect of significant projects and may provide strategic direction and guidance on major projects prior to the commencement of the procurement process, however, will not generally be involved in the day-to-day procurement operations or individual procurement processes, except to the extent that their approval is required under this policy or in the event of an exception to this policy.
- (d) Authorizes the head of council or designate to execute contracts with a value more than two million dollars.

2.2 Chief Administrative Officer (CAO):

It is the role of the CAO or designate to oversee the Township's administration. In fulfilling this role, the CAO is responsible for:

- (a) Requiring all departments to comply with this policy and related procedures, protocols, templates, and forms.
- (b) Guiding the development of procurement processes across the Township and delegating to staff.
- (c) Addressing matters of non-compliance with this policy.
- (d) Resolving disputes in respect of the interpretation or application of this policy and related procurement protocols and procedures.
- (e) Directing staff to submit procurement recommendations to Council for approval where such action is required in accordance with this policy, or, in the opinion of the CAO, is in the best interest of the Township.
- (f) Reviewing and approving Competitive Procurements (see 4.2), Non-Competitive Procurements (see 4.3) (including Emergency Procurements (see 4.6)) in accordance with the procurement protocols and procedures.
- (g) Reporting to Council as directed by this policy.



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2.3 Procurement Review Committee (PRC):

- (a) Comprised of the CAO, responsible Managing Director, Managing Director Corporate Services and Treasurer, Manager of Purchasing and Risk Management or their designates. May also include a technical representative from the department, as required.
- (b) Approves Competitive Procurements as outlined in section 5.1 of this policy.
- (c) Disqualifies or suspends vendors in accordance with section 3.3.
- (d) Reviews and makes final decisions on bid disputes.
- (e) Makes determination with respect conflicts of interest.
- (f) Makes decision about addition of funding as per section 5.2.2
- (g) May cancel a procurement process without making an award in the following instances:
 - 1. Prior to closing
 - i) A change in the project requirement
 - 2. After closing
 - i) No bids were received.
 - ii) Bids are over budget.
 - iii) Multiple compliant bids or proposals were received in response to a procurement process; however, none have met the minimum requirements as outlined in the procurement document.

2.4 Township Clerk

The Township clerk, in concert with the head of council or designate, executes contracts with a value more than two million dollars.

3.0 Ethics:

The Township's procurement activities must be conducted with integrity and all individuals involved in the Township's procurement activities must act in a manner that is consistent with the goals of this policy and in accordance with the codes of purchasing ethics established by the Ontario Public Buyers Association (OPBA).

Conflict of Interest, when applied to the activities of the Township and its consultants or service providers, means a situation in which private interests or personal considerations may affect the individual's judgement in acting in the best interest of the Township.

All participants in a procurement process, including any outside consultants or other service providers participating on behalf of the Township, must declare any conflicts of interest as soon



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as they are known. Any participant disclosing a conflict of interest shall be removed from the associated procurement process.

3.1 Prohibitions and Compliance:

- (a) Council and all employees of the Township are required to adhere to this policy and supporting procurement protocols and procedures related to the acquisition of goods, services, and construction for the Township.
- (b) Township employees, and Council must disclose any involvement in a procurement activity that creates a conflict of interest.
- (c) Township employees, and Council must not solicit or accept gifts from a vendor. Refer to the Township's Code of Conduct – Gifts, Hospitality Benefits for more information.

3.2 Vendor Code of Conduct:

Vendors shall:

- (a) Fully perform according to their contract terms and follow any reasonable direction from the Township to resolve any default.
- (b) Maintain a satisfactory performance rating on their previous contracts with the Township to be qualified to be awarded additional contracts.
- (c) Not submit false or misleading information to the Township.
- (d) Not bill for goods or services not supplied.
- (e) Not act in any manner that is in conflict of interest with the Township.

3.3 Disqualification and Suspension of Vendors:

- (a) Vendors may be disqualified for any contravention to the Vendor Code of Conduct (Section 3.2), including any failure to disclose potential conflicts of interest or unfair advantages.
- (b) Vendors may be disqualified for a period between one (1) and five (5) years based on evidence that there has been a contravention of the Vendor Code of Conduct or any other professional misconduct or omission that adversely reflect on the commercial integrity of the vendor.
- (c) Disqualification and/or suspension will be determined by the PRC.



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4.0 Procurement Processes

The Township may utilize any of the following procurement process to support the acquisition of goods, services, and construction:

4.1 Information Gathering:

This includes but may not be limited to:

4.1.1 Request for Information (RFI)

Is used when more information is required from the market to develop specifications and other requirements, which will be useful in later stages of the procurement process. Use of this process does not create any contractual obligation on the part of the Township.

4.1.2 Request for Expression of Interest (EOI)

Is used when there is a need to assess the market's ability to supply goods or services, or gather additional information before progressing to another procurement procedure. Use of this process does not create any contractual obligation on the part of the Township.

4.2 Competitive Procurement Methods:

Competitive procurement methods include but are not limited to the following:

4.2.1 Request for Qualification (RFSQ)

Used to establish a pool of vendors (prequalified vendors), or vendor of record when there is a recurring need for a certain type of good or service.

4.2.2 Request for Tender (RFT)

Used for open competitive procurements when the deliverables for a project can be sufficiently specified, and award is based on compliance, cost, and delivery.

4.2.3 Request for Quotation (RFQ)

Similar to a Request for Tender but used for invitational procurements (see 5.1) when the goods and services can be sufficiently defined, and award is based on compliance, cost, and delivery.



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4.2.4 Request for Proposal (RFP)

Used when the requirements are not clearly known, are qualitative as well as quantitative, when looking for a solution to a problem, and/or the selection of a vendor is being made not only on price but using a combination of non-price factors. Negotiation is acceptable when using a negotiated RFP format and the process for doing so is outlined in the RFP.

Schedule "A" outlines a list of items that are exempted from a competitive procurement process. Unless exempted, all procurements must be conducted using a competitive procurement process.

4.3 Non-Competitive Procurements/Limited Tendering:

In certain unique circumstances, it may not be possible to adopt a competitive procurement process. In such instances, non-competitive procurements are acceptable. Departments requesting to use a non-competitive procurement process must provide the Manager of Purchasing and Risk Management with valid justification in accordance with the conditions as set out in **Schedule "B"**.

Non-competitive procurements are approved based on thresholds provided in Table 4, Section 5.1 of this policy.

4.4 Cooperative Procurement:

The Township may participate in or leverage ("piggyback") existing cooperative purchasing arrangements with other municipalities, cooperative groups/associations, regions, local boards, and public agencies that are Federal or Provincial when in the Township's best interest. The Township may also be named as a participant and its requirements included in a procurement that is being completed by another organization. Use of a cooperative purchasing arrangement must be in alignment with the applicable thresholds noted in this policy.

Use of an existing cooperative purchasing arrangement will be approved by the Managing Director of Corporate Services and Treasurer and will be managed by the Purchasing and Risk staff. All procurements conducted through cooperative purchasing must be carried out in a manner consistent with applicable trade agreements.

Where applicable, when using a cooperative purchasing arrangement, the Township recommends the following number of quotes if there are multiple vendors that can meet the mandatory specification for the required good or service:



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<i>Threshold Value</i>	<i># of Quotes recommended</i>
\$25,000 to \$100,000	1
\$100,000.01 to \$500,000	2
Greater than \$500,000	3

4.5 Prequalified Vendors:

The Township may establish a pool of vendors (prequalified vendors) when there is a recurring need for a certain type of good or service. The procurement document used to establish the list of prequalified vendors (Request for Qualification) would outline the dollar thresholds for accessing vendors that have been prequalified. The Township will reserve the right to procure services from vendors outside of the prequalified vendors list, if required.

Prequalification may also occur as the first stage of a subsequent procurement process for one specific project, to ensure that each Supplier bidding to perform work demonstrates its ability to provide the necessary expertise and resources to satisfactorily complete the work required.

4.6 Emergency Procurement:

When an event occurs that is determined to be a threat to public health, the maintenance of essential Township services, the welfare of persons or of public property, the protection of the Township's physical assets, or the security of the Township's interest or financial liabilities arising from unexpected conditions, and the occurrence requires the immediate delivery of supplies or services, the responsible Managing Director (or designate) with approval from the Managing Director of Corporate Services and Treasurer, and CAO, may make such purchases without utilizing a competitive procurement process and is authorized to do so in the most expedient and economical means possible. Emergency procurement exceeding thresholds identified in Section 5.1 also require an information report to Council after the completion of the work.

5.1 Procurement Approvals:

All planned purchase of goods and services or construction must be included in the annual budget or approved by Council through a staff report. Procurement documents for such procurements that are issued before the budget has been approved, must outline that award of contract is subject to budget approval. Funding must be approved prior to execution of any contract resulting from a procurement process. Any items not funded, or where actual tendered amounts exceed approved funding, must be presented to Council for approval prior to any award.



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Table 2: Competitive Procurement Approvals			
<i>Procurement Thresholds (inclusive of non-rebate HST)</i>	<i>Procurement process</i>	<i>Procurement methods/tools available</i>	<i>Managed By</i>
Less than \$25,000	N/A	Direct Award, Prequalified Vendors or Vendor of Record (s)	Department
\$25,000.01 to \$100,000	Invitational Competition: (minimum of 3 vendors engaged)	RFQ, RFP, RFT, Prequalified Vendors or Vendor of Record (s)	Purchasing and Risk Management with support from Department
\$100,000.01+	Open Competition – Publicly posted	RFT, RFP (Invite Prequalified Vendors and Vendor(s) of Record	Purchasing and Risk Management with support from Department

Procurement awards resulting from a procurement process must be approved in accordance with the following approval limits (amounts are inclusive of the non-rebate HST):

Table 3: Competitive Procurements	
<i>Dollar value</i>	<i>Approver(s)</i>
Less than \$25,000 (Optional invitational)	Department
\$25,000.01 to \$100,000	responsible Managing Director (or designate) and Manager of Purchasing and Risk Management
\$100,000.01 - \$250,000	responsible Managing Director (or designate), Manager of Purchasing and Risk Management (or designate) and Managing Director of Corporate Service and Treasurer (or designate)
\$250,000.01+	Procurement Review Committee

Table 4: Non-Competitive Procurements	
<i>Dollar value</i>	<i>Approver(s)</i>
Less than \$25,000	Department
\$25,000.01 to Trade agreement threshold*	responsible Managing Director (or designate), Manager of Purchasing and Risk Management (or designate), Managing Director of Corporate Services and Treasurer (or designate) and CAO (or designate)
Over Trade agreement threshold	Council

*The lowest threshold of any relevant trade agreement, whichever is less



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<i>Dollar value</i>	<i>Approver(s)</i>
\$25,000.01+	responsible Managing Director (or designate), Manager of Purchasing and Risk Management, Managing Director of Corporate Services and Treasurer (or designate), and CAO (or designate) with subsequent report to Council

5.2 Reallocation and Additional Funding:

In some instances, the Township may be required to reallocate approved budget funds or provide additional funding to support procurements. Reallocation of funds between operating budgets and capital budgets is not permitted under any circumstance.

5.2.1 Reallocation of Budget

Reallocation of funds require the approval of the Managing Director of Corporate Services and Treasurer, and the CAO or designates for:

(a) Capital Projects

- i. Active procurements (not yet awarded) for similar projects, products and/or services provided the funding source is the same for all accounts affected by the reallocation. Funding sources are defined as:
 - a. Taxation Stream – similar reserves/reserve funds, OLG funds, grant funds (based on eligibility).
 - b. Water Stream – similar reserves/reserve funds, grant funds (based on eligibility).
 - c. Wastewater Stream - similar reserves/reserve funds, grant funds (based on eligibility).
- ii. Instances where reallocations remain within total approved project budget (s) of similar funding source.

(b) For Operating Projects

- iii. Active procurements (not yet awarded) for projects, products and/or services with the same funding source.
- iv. Reallocation does not affect the total approved budget in the applicable department.

Reallocations that do not meet any of the criteria noted above will require approval from Council.

Reallocations are not allowed for projects that have future procurement requirements. Unspent funds from a previously completed project(s), may be reallocated to a project not yet completed, provided that the unspent funds have not previously been allocated to another project.



5.2.2 Addition of Funding

In instances where a competitive procurement is within total approved budget allocations (inclusive of all funding streams), however one or more project segments eclipses approved funding allocation; the Township will allow the Procurement Review Committee to authorize additional funding. Additional funding may be authorized by utilizing savings obtained from projects that have previously been awarded below budget allocation within the same funding stream provided realized surpluses from prior awards can facilitate the funding gap. Surpluses from previously awarded projects will be considered closed, realized, and redirected to the original funding source if not used within the current calendar year.

5.3 Signing Authority:

Contracts must be signed in accordance with the dollar value below. The full amount, inclusive of non-rebate HST shall be considered when determining the signing authority.

Table 6: Signing Authority	
<i>Dollar Value</i>	<i>Signing Authority</i>
Up to \$25,000	Department
\$25,000.01 - \$100,000	Manager of Purchasing and Risk Management
\$100,000.01 - \$250,000	Managing Director of Corporate Services and Treasurer
\$250,000.01 - \$2,000,000	CAO & Managing Director of Corporate Services and Treasurer
\$2,000,000.01 +	The head of council (mayor), and Township Clerk
Over Budget	CAO & Managing Director of Corporate Services and Treasurer (with Council resolution for award)

5.4 Bid Irregularity:

The Manager of Purchasing and Risk Management maintains a list of the types of Bid irregularities that may be contained in a Bid/Proposal. This list is posted on the Township of Centre Wellington website and may be updated from time to time. This list identifies the type of irregularity and how each irregularity will be considered, including whether the Bid/Proposal is rejected. Any change to this list requires approval by the CAO.

6.0 Purchasing Card:

The Township's purchasing card may be used to support payment for low value or recurrent purchases that are managed by the department. Refer to the Township's purchasing card policy for additional information. The Manager of Purchasing and Risk is responsible for the administration of



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the purchasing card contract, including spot audits based on monthly statements. The use of the purchasing card is restricted by several controls, including expenditure limits by transaction, by type of purchase, and monthly aggregate spend thresholds.

7.0 Contract Extensions and Amendments:

Contract amendments must not be used to expand a contract beyond what was contemplated under the terms of the contract and the original procurement process, or to circumvent the need to procure additional deliverables through a competitive process in accordance with this policy.

7.1 Contract Extension Options:

When an existing contract includes extension or renewal options permit the Township to extend the term of the contract and/or to purchase additional deliverables under the contract, the Township may exercise that option provided that:

- a) The contract was awarded in accordance with this policy based on the total procurement value, (including the value of the extension options; and
- b) Sufficient funding is available in an approved budget.

7.2 Contract Contingency Funds:

Where any contract has been authorized pursuant to this policy, the Township may authorize disbursement of additional funds required to complete works that are necessary as a part of the original scope of the contract and do not expand the scope of work under the contract beyond what was expressly contemplated under the original procurement provided that:

- a) Sufficient funding is available in the budget.
- b) The contingency was authorized and included in the awarded amount.

7.3 Contract Scope Changes:

Any expansion or extension of a contract to procure deliverables that were not contemplated in the original procurement is considered a Non-competitive procurement and must be approved in accordance with Section 4.3 Non-Competitive/Limited Tendering procedure based on thresholds provided in Table 4, Section 5.1 of this policy.

If, due to unexpected circumstances, a contract extension and/or amendment is required, the



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amendment must be approved as follow:

Table 7: Contract Extensions and Amendments	
<i>Amendment/Extension reason</i>	<i>Approval Authority</i>
Addition of Optional years	Original approval authority (See Table 6)
No change to Contract Value	Original approval authority (see Table 6)
Increase to Contract Value, but still within the approved funded amount	Original approval authority (See Table 6) plus: Responsible Managing Director (or equivalent) plus, Managing Director of Corporate Services and Treasurer
Increase to Contract Value is within 10% of the approved funded amount	Original approval authority (See Table 6) plus: Responsible Managing Director (or equivalent) plus, Managing Director of Corporate Services and Treasurer
Increase to Contract Value is greater than 10% of the approved funded amount	Council
Addition of Scope	Non-Competitive Procurement/Limited Tendering Process and approval thresholds apply

8.0 Reporting:

The following information will be reported to Council on a quarterly basis in a report for information:

- (a) Non-competitive procurements greater than \$25,000
- (b) Emergency Procurements
- (c) Procurement Review Committee Awards and cancellations
- (d) Increase to Contract Value within 10% of approved funded amount

9.0 Disposal of Assets:

A Managing Director (or designate) may determine that an asset should be declared as surplus, obsolete, worn out or no longer being useful for the department. For capitalized assets, a list of such items should be made available to the Manager of Purchasing and Risk Management. Non-capitalized assets may be disposed of using a transparent method that will provide the highest return, goodwill, or equity to the Township. Capitalized assets may be disposed of using any of the following or additionally approved methods:

- (a) Public auction.
- (b) Trade-in as a part of the procurement of other similar goods being acquired by the Township.
- (c) Donating or selling the asset for a nominal fee, or generating revenues which would be donated,



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to a not-for-profit charitable organization that is registered as such with the Canada Revenue Agency.

- (d) Donating to another municipality.
- (e) Classifying as waste and recycling, scrapping, dismantling, destroying and/or disposing.

Disposal of lands is excluded from this policy and must be managed in accordance with the Township's policy on sale of surplus lands (municipal).

10.0 Exceptions/Exemptions to the Policy:

Exceptions/exemptions to this policy may be made in some circumstances. Please refer to Schedule "A" for a list of purchasing exemptions.

11.0 Administrative Procedures:

- (a) In the event of any conflict between this policy and any applicable legislation or trade agreements to which this Township is bound, the more restrictive provision shall apply.
- (b) If a court of competent jurisdiction declares any provision, or any part of a provision, of this policy to be invalid, or to be of no force and effect, it is the intention of Council in enacting this policy, that each and every other provision of this policy authorized by law, to be applied and enforced in accordance with its terms to the extent possible according to law.
- (c) The Manager of Purchasing and Risk Management is authorized to recommend changes to this policy, and where permitted by law to do so, may create, amend, and delete supporting procurement protocols and procedures.

12.0 Review Cycle:

This policy will be reviewed at least once every four years.



Schedule A – Exceptions/Exemptions to the Procurement Policy

The purchasing and reporting methods described in this policy do not apply to the following items. While a procurement may not be required, a Contract and supporting document may be required.

1. Public employment contracts;
2. Non-legally binding agreements;
3. Any forms of assistance, such as grants, loans, equity infusions, guarantees, and fiscal incentives;
4. A contract awarded under a cooperation agreement between the Township and an international cooperation organization if the Procurement is financed, in whole or in part, by the organization, only to the extent that the agreement includes rules for awarding contracts that differ from the obligations of this policy;
5. Acquisitions or rental of land, existing buildings, or other immovable property, or the rights thereon;
6. Measures necessary to protect intellectual property, provided that the measures are not applied in a manner that would constitute a means of arbitrary or unjustifiable discrimination between parties where the same conditions prevail or are a disguised restriction on trade;
7. Procurement or acquisition of:
 - (a) fiscal agency or depository services;
 - (b) liquidation and management services for regulated financial institutions; or
 - (c) services related to the sale, redemption, and distribution of public debt, including loans and government bonds, notes, and other securities;
8. Procurement of:
 - (a) financial services respecting the management of government financial assets and liabilities, including ancillary advisory and information services, whether or not delivered by a financial institution;
 - (b) health services or social services;
 - (c) services that may, under applicable law, only be provided by licensed lawyers or notaries; or
 - (d) services of expert witnesses or factual witnesses used in court or legal proceedings.
 - (e) Insurance premiums, payments
 - (f) Utilities
 - (g) Office space, room rentals, leases
9. Procurement of goods or services:
 - (a) financed primarily from donations that require the Procurement to be conducted in a manner inconsistent with this policy;
 - (b) by a procuring entity on behalf of an entity not covered by this policy;



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- (c) between enterprises that are controlled by or affiliated with the same enterprise, or between one government body or enterprise and another government body or enterprise;
- (d) by non-governmental bodies that exercise governmental authority delegated to them;
- (e) from philanthropic institutions, non-profit organizations, prison labour, or natural persons with disabilities;
- (f) under a commercial agreement between a procuring entity which operates sporting or convention facilities and an entity not covered by this policy that contains provisions inconsistent with this policy;
- (g) conducted for the specific purpose of providing international assistance, including development aid, provided that the procuring entity does not discriminate on the basis of origin or location within Canada of goods, services, or suppliers;
- (h) conducted under the particular procedure or condition of an international agreement relating to the stationing of troops or relating to the joint implementation by the signatory countries of a project or 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 this policy;
- (i) provided only by the following licensed professionals: lawyers, medical doctors, dentists, nurses, pharmacists, veterinarians, accountants (other than audit), land surveyors;
- (j) for a work of art;
- (k) for entertainment, cultural or artistic services;
- (l) for subscriptions to newspapers, magazines or other periodicals;
- (m) for memberships in professional and business related associations;
- (n) for training and education including conferences, seminars, courses, conventions, workshops, staff training and staff development;
- (o) for travel and entertainment expenses;
- (p) courier and freight; and
- (q) for a particular brand of goods or services that are intended solely for resale to the public and no other brand meets the Township's program objectives nor is the brand available from any other source



Schedule B – Non-competitive Procurements

A non-competitive procurement is an exception to the competitive procurement process that may be undertaken where both the proposed non-competitive procurement and the Vendor can be justified in good faith, based on one or more of the following:

1. Conditions
 - (a) No bids were submitted;
 - (b) No bids conforming to the essential requirements of the procurement document were submitted;
 - (c) No bidders satisfied the conditions for participation;
2. If goods or services can be supplied only by a particular vendor and no reasonable alternative or substitute goods or services exist for the following reasons:
 - (a) The protection of patents, copyrights, or other exclusive rights; or
 - (b) Due to an absence of competition.
3. For additional goods or services from the original Vendor that were not included in the initial Procurement, if a change of Vendor for such additional goods or services:
 - (a) Cannot be made for economic or technical reasons; and
 - (b) Would cause significant inconvenience or substantial duplication of costs for the Township;
4. If strictly necessary and for reasons of urgency brought about by events unforeseeable by the Township, the goods or services could not be obtained in time using a competitive process;
5. For goods purchased on a commodity market;
6. If a procuring entity procures a prototype, pilot or a first good or service that is developed in the course of a contract for research, experiment, study, or original development;
7. The goods or services are purchased under circumstances which are exceptionally advantageous to the Township, such as in the case of a bankruptcy or receivership;
8. If a contract is awarded to a winner of a design contest;
9. If goods or services regarding matters of a confidential or privileged nature are to be purchased and disclosure through a competitive process could reasonably be expected to compromise confidentiality, result in the waiver of privilege, cause economic disruption, or otherwise be contrary to the public interest;
10. The supply of goods and services is controlled by a Vendor that is a statutory monopoly;
11. To ensure compatibility with existing goods (e.g., hardware and/or software), or to maintain specialized goods that must be maintained by the manufacturer of those goods or its authorized representative;
12. Work is to be performed on property by a contractor according to provisions of a warranty or



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guarantee held in respect of the property or the original work; or

13. Work is to be performed on a leased building or related property, or portions thereof, that may be performed only by the lessor.

Any amendments to applicable legislation or trade agreement to which the Township is bound which expand or limit the permitted exceptions set out in this Schedule B shall apply and this policy shall be deemed to have been amended accordingly.