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		Policy Number 2011
Purchasing and Tender Policy	Effective Date	Revision Date September 24, 2012

POLICY

1. It is the policy of The Municipality of the District of Digby to acquire goods and services on a competitive basis to ensure best value is received for the taxpayers and to ensure procurement is transparent, accessible and equitable.

PART 1-INTRODUCTORY

INTERPRETATION

2. In this Policy:
 - 1) "alternative procurement practice" means the purchase of goods or services without a public tender or other competitive process, in the circumstances described at section **[18]** of this Policy;
 - 2) "best value" means evaluating bids not only on purchase price and life cycle cost considerations, but also taking into account items such as environmental and social considerations, delivery, servicing and the capacity of the supplier to meet other criteria as stated in tender documents;
 - 3) "environmental considerations" means factors associated with the purchase, manufacture, operation or disposal of a product or asset that affect the environment, such as the degree to which the product or asset uses recycled materials, is energy efficient, or produces or reduces greenhouse gas emissions;
 - 4) "life cycle costs" means the total costs associated with a product or asset over its life span, including the cost of maintenance, repair, operation and disposal;
 - 5) "local business" means businesses whose main office or operations are physically located within the boundaries of the Municipality of the District of Digby and includes Digby County;
 - 6) "Municipality" means the Municipality of the District of Digby;

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- 7) "public tender" means publicly advertising the Municipality of the District of Digby's intended procurement of certain goods or services and inviting responses from interested suppliers. Public tenders include traditional tenders, requests for proposals, and two phase bids, and are described at section **[14]** of the Policy;
- 8) "requests for proposals" means a formal invitation to suppliers to describe how their services, methods, equipment or products can address and/or meet the needs of the Municipality of the District of Digby. Requests for proposals are described at section **[16]** of this Policy;
- 9) "request for quotations" means informally obtaining price quotations for a number of different suppliers. Request for quotations are described at section **[13]** of this Policy;
- 10) "services" also means construction of municipal infrastructure projects
- 11) "social considerations" means factors associated with the purchase or manufacture of a product or asset that relates to the rights or interests of the workers involved, such as working conditions, fair wages, and compliance with human rights legislation and conventions;
- 12) "standing offer" means a source of supply available to the Municipality of the District of Digby either through a standing price agreement with a supplier or as a member of a larger group of purchasers. Standing offers are described at section **[12]** of this Policy;
- 13) "traditional tender" means a formal invitation to suppliers to submit a bid to supply specified goods or services. Traditional tenders are described at section **[15]** of the Policy;
- 14) "two phase bid" means a two stage process in which suppliers submit proposals for evaluation, and separately submit prices. Two phase bids are described at section **[17]** of this Policy.

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PROCUREMENT POLICY PRINCIPLES

3. All procurement carried out by the Municipality of the District of Digby must be carried out with a view to:
 - 1) ensuring an equitable, open and transparent process for the acquisition of goods and services by the Municipality;
 - 2) avoiding dishonesty, corruption or favouritism in the procurement of goods and services;
 - 3) encouraging competitive bidding wherever possible and, in any event, minimizing the Municipality's cost of acquiring goods and services while obtaining best value;
 - 4) utilizing suppliers who can be expected to provide satisfactory performance;
 - 5) taking into account environmental considerations in all procurement decisions and selecting environmentally beneficial goods and services where practical;
 - 6) complying with applicable regional, national, and international trade agreements, including the Agreement on Internal Trade and the Atlantic Procurement Agreement;
 - 7) complying with the *Public Procurement Act*, S.N.S.2011,c.12 and Regulations made pursuant to the *Public Procurement Act*.

4. Pursuant to s. 15(1) of the *Public Procurement Act*, all employees involved in procurement on behalf of the Municipality must:
 - 1) ensure their procurement activities are conducted according to this Policy, provincial and federal legislation, trade agreements and ethical business practices;

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- 2) encourage and support collaborative procurement amongst other municipalities and public sector entities such as hospitals and school boards;
- 3) follow leading procurement practices;
- 4) in good faith, conduct business with current and prospective suppliers and be fair in all business dealings;
- 5) strive to obtain the best value for each expenditure;
- 6) require suppliers provide accurate representations of goods, services and construction;
- 7) encourage suppliers to consider integrating environmental, economic and social considerations in their product or service offering;
- 8) encourage the negotiation of an equitable and mutually acceptable settlement when a dispute arises;
- 9) Elected Municipal Officials, employees of the Municipality or their agents shall not be permitted to bid on the procurement of goods and services for the Municipality. The terms of the Municipal Conflict of Interest Act will apply to the award of tenders by Municipal Council.

PART II-NORMAL PROCUREMENT PRACTICES

5. Procurement of goods and services shall generally be undertaken through a competitive bid process in either of two ways, depending on the dollar value:
 - 1) Bid by invitation
 - 2) Public tender

6. In addition to adhering to the principles in sections [3] and [4], normal purchasing practices must be as described below in sections [7] to [11]

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7. Council reserves the right to exempt a good or service from the provisions of this Policy. Staff may put forward recommendations as appropriate.
8. For goods and services having a value of less than \$ 2,500 (not including HST)
- 1) The procurement decision must be made by a Manager or Department Head or by an employee designated by one of those persons.
 - 2) Goods and services must be procured under a standing offer if one exists for the goods or services required, and if doing so will provide best value.
 - 3) If the goods and services cannot be procured under subsection (2), and where the value of goods and services to be purchased is less than \$1,001 (not including HST), in any one case, they may be purchased from any supplier, unless municipal staff have reason to believe that:
 - a) purchasing the goods or services from that supplier would not provide best value; or
 - b) acquiring the goods and services from that supplier would otherwise not conform with the procurement principles in section [3]
 - c) formal price comparisons are not required, although from time to time, some comparisons should be done to ensure that the Municipality is getting the best value for the dollar.
 - 4) If the goods and services cannot be procured under subsection (2), and where the value of goods and services to be purchased is between \$1,001 and \$2,499 (not including HST), three verbal, faxed, or e-mail bids will be sought from suppliers. **Only the bid of the successful supplier will be disclosed to other bidders.**
 - 5) Where it is operationally feasible, Managers or Department Heads may delegate the purchasing authority to designated staff within the Department commensurate with each individual's duties and responsibilities up to \$ 1,000 (not including HST) where such expenditure has been included in the approved budget allocation. At least one person in each department should be designated in

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order that unnecessary delays are eliminated when the Manager or Department Head is unavailable to authorize purchase of a routine nature. The Chief Administrative Officer shall be required to approve the person designated by the Department Heads.

- 6) The Managers and Department Heads shall ensure appropriate specifications are prepared for the goods and services to be acquired. Due to the diversity and scope of services acquired by the Municipality it is the responsibility of each Manager or Department Head to identify the appropriate minimum standard of qualification for bidders. Specifications should be in sufficient details to allow bidders to prepare a clear and complete response and comply with all environmental, legislative and regulatory requirements in the procurement of products and services. Where possible, all requirements should be specific rather than implied. (ie: insurance, WCB clearance, warranties, environmental issues, safety requirements, quality of materials and equipment supplied).

- 7) The Purchasing Authorities shall maintain a file system that records proof of verbal and written quotations and bids.

9. For goods and services having a value between \$ 2,500 and \$ 10,000 (not including HST)
 - 1) The procurement decision must be made by the CAO or other position designated by the CAO where the amount of the expenditure does not exceed \$10,000, (not including HST) in any one case, and where such expenditure is included in the approved budget allocation.
 - 2) Goods and services must be procured under a standing offer if one exists for the goods or services required, and if doing so will provide best value.
 - 3) If the goods or services cannot be procured under subsection (2), and where the value of goods and services to be purchased exceeds \$2,500 and less than \$10,000 (not including HST), in any

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one case, bids will be solicited by request for quotations or by public tender.

- 4) If the goods or services are procured by a request for quotations, in addition to any other requirements for the request for quotations process, the following requirements must be met:

- a) Managers, Department Heads, or the CAO or other position designated by the CAO shall ensure appropriate specifications are prepared for the goods and services to be acquired. Due to the diversity and scope of services acquired by the Municipality it is the responsibility of each Manager and Department Head to identify the appropriate minimum standard of qualification for bidders. Specifications should be in sufficient details to allow bidders to prepare a clear and complete response and comply with all environmental, legislative and regulatory requirements in the procurement of products and services. Where possible, all requirements should be specific rather than implied. (ie: insurance, WCB clearance, warranties, environmental issues, safety requirements, quality of materials and equipment supplied);
- b) all quotations must be obtained in writing; A minimum of *three quotes* will be required. **Only the bid of the successful supplier will be disclosed to other bidders.**
- c) the request for quotations must be placed on the Municipality's web page.

- 5) The Purchasing Authorities shall maintain a file system that records proof of verbal and written quotations and bids.

10. For goods and services having a value of more than \$ 10,000 (not including HST)

- 1) The procurement decision must be made by Council, unless Council has expressly authorized the CAO to make the decision;

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- 2) Goods and services must be procured by public tender, which may be preceded by a request for qualifications or request for expressions of interest.
11. Municipal staff, or Council, (whoever has purchasing authority to award the contract under this Policy) may approve exceptions to the normal purchasing practices outlined in sections [6] to [9] of this Policy when:
- 1) A more competitive process normally used for goods and services of higher value is used; or
 - 2) In accordance with the criteria described in the "alternative procurement practices" provisions at section **[17]** of this Policy, it is necessary or appropriate that the goods or services be purchased in accordance with that section.

PART III – GUIDELINES FOR PROCUREMENT PROCEDURES

12. Standing Offers:

- 1) A standing offer is a source of supply available to the Municipality either through a standing price agreement with a supplier or as a member of a larger group of purchasers, and includes:
 - a) a standing agreement between the Municipality and a supplier in which the supplier commits to providing specified goods or services at a specific price for a specific period of time. Such standing agreements should themselves be the subject of a competitive tender process;
 - b) equipment leasing programs through the Government of Nova Scotia;
 - c) Nova Scotia Provincial "standing offers" administered by the Nova Scotia Government;

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- d) supplies and services available from the Nova Scotia Government;
- e) a procurement program administered by the Union of Nova Scotia Municipalities or the Association of Municipal Administrators of Nova Scotia;
- f) any other program available to several municipal units and other public sector entities such as hospitals and school boards, provided that municipal staff is satisfied that such program has been developed and conforms with the principles set out in section **[3]** of this Policy.

13. Request for quotations:

- 1) A request for quotations involves informally obtaining price quotations from a number of different suppliers.
- 2) Requests for quotations are generally used when the cost of the goods or services does not warrant the time, effort and expense required for a formal public tender process.
- 3) Quotations must normally be sought from at least three suppliers but fewer suppliers may be used when three suppliers are not available within a reasonable distance, having regard to the value of the goods and services, the shipping or travel cost and the amount of time available before the goods or services are required to be available. If it is decided to obtain fewer than three quotations, the person responsible for that decision must document their reasons for doing so.
- 4) Quotations must normally be obtained in writing, but when time does not permit, the quotations may be obtained verbally, except when this Policy stipulates otherwise. If a quotation is obtained verbally, the person obtaining the quote must document the quotation, including the time, date, supplier, price and description of the goods and services, the person from whom the quotation was obtained and the name of the municipal staff obtaining the quotation.

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14. Public Tender:

- 1) Public tender means publicly advertising the Municipality's intended procurement of certain goods or services and inviting responses from interested suppliers.
- 2) Public tenders are used for higher value procurements, where the cost of the goods or services warrants the time, effort and expense required for public tender process.
- 3) Public tenders can be in the form of traditional tenders (see section **[15]**), requests for proposals (see section **[16]**), or two phase bids (see section **[17]**).

15. Traditional tender:

- 1) A traditional tender is a formal invitation to suppliers to submit a bid to supply specified goods or services.
- 2) A traditional tender should be used when the procurement requirements of the Municipality can be clearly and completely specified.
- 3) Traditional tenders are to be opened in public, and the amount of their bid must be made available to each bidder after the tenders are opened.
- 4) The Municipality must not negotiate with any bidders, but must award the procurement contract to the bidder that meets the tender requirements and provides best value.

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16. Request for proposals (RFP):

- 1) A RFP is a formal invitation to suppliers to describe how their services, methods, equipment or products can address and/or meet the needs of the Municipality.
- 2) A RFP may be used when the Municipality is unable to clearly or completely specify the goods or services required, and suppliers are therefore asked to provide a solution to the problem, requirement or objective. Requests for proposals may also be used for professional and consulting services.
- 3) The RFP shall generally describe the scope of work or goods entailed, and would invite written proposals from prospective suppliers which detail the methodology to be utilized, the time frame for completion, and an estimated cost for completion of the outlined work. The purchasing authority may stipulate an amount for the services to enable a more fair evaluation of the proposals. All RFP should also contain a Privilege Clause similar to that used for public tenders.
- 4) In order to preserve confidentiality of sensitive commercial information contained in a proposal, proposals submitted in response to a request for proposals need not be opened in public, but must be opened in the presence of at least two representatives of the Municipality, and after the proposals are opened a list of the proponents must be available to the public and the proponents upon request.
- 5) Negotiations may be conducted with a proponent after proposals have been opened, subject to complying with the terms of the request for proposals which must be drafted to avoid unfair "bid-shopping" by the Municipality (that is, to avoid using the bids submitted as a negotiating tool to obtain a better price or other benefit).

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- 6) The selection of the successful bidder shall be based upon the evaluation criteria set out in the RFP and equitably applied to all. The purchasing authority is then authorized to negotiate a final contract with the selected bidder. All final contracts valued in excess of \$10,000 (not including HST) require the approval of Municipal Council.

17. Two phase bids:

- 1) A two phase bid process invites suppliers to submit bids as follows:
 - a) Phase One: one or more steps in which bidders submit proposals for evaluation, either with or without prices in a separate submission;
 - b) Phase Two: Only those bidders whose bids were determined to be acceptable will be entitled to submit priced bids for consideration or, where prices are submitted separately in Phase One, the prices are opened.
- 2) A two phase bid process may be used when detailed specifications are not available or it is impractical to prepare a specification based on price. The type of procurement has the advantages of a request for proposals in Phase One and a traditional tender in Phase Two.
- 3) The Phase One submissions need not be opened in public, but must be opened in the presence of at least two representatives of the Municipality and a list of the proponents will be available to the public and the proponents upon request. Phase Two bids must be opened in public,
- 4) The Municipality must not negotiate with any bidders, and must award the procurement contract to the supplier whose proposal is determined to provide best value to the Municipality based upon the evaluation criteria set out in the Phase One request for submissions equitably applied to all proposals, and the prices in Phase Two.

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18. Alternative procurement practices:

- 1) In certain circumstances, described in this section, the Municipality may purchase goods or services without using one of the options set out above. An alternative procurement purchase may occur only:
 - a) in the case of a pressing emergency, or after business hours, where the delay resulting from inviting tenders or bids would be injurious to the public interest and/or the Municipality's assets, the Chief Administrative Officer or Department Head may approve the purchase and report it to the Council at the earliest date thereafter.
 - b) Where 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 government confidentiality, cause economic disruption or otherwise be contrary to the public interest;
 - c) Where compliance with the open tendering provisions set out in this Policy would interfere with the Municipality's ability to maintain security or order or to protect human, animal or plant life or health;
 - d) In the absence of tenders in response to an open or selective tender, or when the tenders submitted have been collusive, or not in conformity with the essential requirements in the tender;
 - e) To ensure compatibility with existing products, to recognize exclusive rights, such as exclusive licenses, copyright and patent rights, or to maintain specialized products that must be maintained by the manufacturer or its representative;
 - f) Where there is an absence of competition for technical reasons and the goods or services can be supplied only by a particular supplier and no alternative or substitute exists;

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- g) For the procurement of goods or services the supply of which is controlled by a supplier that is a statutory monopoly;
- h) For work 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;
- i) For the purchase of goods under exceptionally advantageous circumstances such as bankruptcy or receivership, but not for routine purchases;
- j) Where it has been identified by the Municipality that it may be feasible to purchase goods or services by auction, the prior approval of the Council is required.
- k) For the procurement of original works of art;
- l) For the procurement of real property
- m) For the procurement of goods intended for resale to the public;

PART IV – REQUIREMENTS FOR ALL PUBLIC TENDERS

19. The following requirements apply to all public tenders, whether traditional tenders, requests for proposals, or two phase bids:
- 1) The Municipality must provide reasonable notice and opportunity to respond to public tenders, and must post or place notices of public tenders as follows:
 - a) on the Procurement Services website maintained and operated by the government of Nova Scotia;
 - b) on the Municipality of the District of Digby's web page;
 - c) in the Digby Courier;

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- d) in the Halifax Chronicle Herald, upon the direction of the CAO, when the CAO determines the cost and nature of the procurement warrants the expense of doing so;
 - e) in other media, as directed by the CAO, when the CAO determines the cost and nature of the procurement warrants the expense of doing so.
- 2) Every public tender must include or have attached the terms and conditions that govern the tender.
- 3) The terms and conditions of every notice of public tender must be consistent with:
- a) the standard instructions that support public tenders issued by the four Atlantic provinces for goods and services, known as the Atlantic Standard Terms and Conditions (a copy of which is attached as Schedule "A" to this Policy), for the procurement of goods and services;
 - b) the standard instructions that support construction tenders issued by the government of Nova Scotia, known as the Construction Contract Guidelines (a copy of which is attached as Schedule "B" to this Policy), for the procurement of construction.
 - c) a statement shall be included in the public tender notice that *"The Municipality of the District of Digby reserves the right to reject any or all tenders, not necessarily accept the lowest tender, or to accept any tender which it may consider to be in the best interest of the Municipality. The Municipality also reserves the right to waive formality, informality or technicality in any tender."*
- 4) Public tenders should normally include specifications or terms as follows:

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- a) Managers and/or Department Heads shall ensure appropriate specifications are prepared for the goods and services to be acquired by tender. Specifications should be in sufficient details to allow bidders to prepare a clear and complete response. Where possible, all requirements should be specific rather than implied. (ie: insurance, warranties, environmental issues, safety requirements, quality of materials and equipment supplied) Except that from time to time the Municipality may solicit proposals for specific goods and services in accordance with Section **[19]** of this policy. If a local preference is to be given, the amount of this local preference must be clearly set out and defined in the specifications for the project and all the operative terms of the invitation to tender must be expressed.
- b) Public tender documents shall include the following:
- a) Form of "Instructions to bidders",
 - b) Form of "Tender",
 - c) Form of "Contract Agreement",
 - d) Form of "General Conditions", where required
 - e) Project drawings, maps, and/or specifications where required
- c) expressly or by implication outlining the issues or criteria that will be used for selection of a successful bidder or proponent;
- d) the location for delivery of bids or proposals;
- e) the fact that all tenders must be in sealed envelopes clearly marked with the purpose of the tender and include all information necessary for the bidder to prepare the bid on the specific requirements for completion of the tendered project.
- f) the time and date of closing;

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- g) a warning that tender documents and bids will be open to the public, except to the extent otherwise stated in a call for tenders or a request for proposals, in which event there must be included a warning that proposals or bids are subject to the Freedom of Information and Protection of Privacy provisions of the *Municipal Government Act*;
- h) for design or architectural services, a statement that the Municipality will own the copyright in the design, plans and other intellectual property produced for the Municipality.
- 5) Public tenders should also include a form of contract that the successful bidder will be required to enter into with the Municipality, or should direct that bidders or proponents must provide the form of contract with their bid or proposal.
- 6) All tenders shall be received by the Receptionist in the Municipal Building, who shall stamp the time and date received on the envelope and place the tender in a Tender Box. No tenders shall be received fax or electronic media; however, amendments to tenders will be accepted if the tendered price is not revealed in the fax or electronic media.
- 7) Tenders may be amended or withdrawn by letter, fax, or electronic media. Amendment of individual unit prices is the only acceptable price amendment. Amendments shall not disclose either original or revised total price and shall be submitted in the form specified in the "Information to Tenders" section of the contract document.
- 8) All tenders will be opened immediately after the close date and time in the Municipal Building. At the appointed time for opening, the CAO or Deputy CAO; the Manager or Department Head, and one other person selected by the CAO shall meet in the Council Chambers or Municipal Board Room. The public is permitted to view the tender opening.

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- 9) The Manager or Department Head shall ensure that a recorder records the proceeds at the opening, including the names of those persons in attendance and the amounts of the bids.
- 10) Tenders received after the closing shall be returned, unopened, to the bidder.
- 11) For each public tender that is awarded, the Municipality must post the name of the successful supplier and the contract amount on the Procurement Services website maintained and operated by the government of Nova Scotia, and on the Municipality of the District of Digby's web page.
- 12) It shall be customary to award the tender to the bidder of the lowest price meeting the specifications. However, the Municipality of the District of Digby reserves the right to make an award for reasons deemed to be in its best interest. Further, if, in the opinion of the Municipality it would be in the best interest of the Municipality to reject the lowest tender and accept another tender, this may be done. In these cases the reasons for the decision must be clearly documented. The evaluation criteria in cases where other than the lowest bid will be considered shall be as follows:
- a) relevant experience;
 - b) references;
 - c) past history performance;
 - d) capability to carry out project;
 - e) whether the bid is realistic;
 - f) completion date of bids;
 - g) any other criteria that the Municipality may consider necessary that will be weighted in addition to costs.
- 13) An award shall not be made in any circumstances to a firm that did not submit a bid on the original tender call.
- 14) All tenders valued at less than \$10,000 shall be approved in accordance with the purchasing authorities stated in this policy. A report to the Chief Administrative Officer from the Manager or Department Head is required for all public tenders, recording the

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proceedings of the tender opening and the resulting awarding of the tender.

- 15) All tenders valued in excess of \$10,000 shall require a report from the CAO, including a recommendation, to the Council for approval unless **by previous motion** Council has previously authorized staff to award a tender or quotation. The Council shall consider the recommendation of the CAO in making its decision.
- 16) In the event that all of the bids received exceed the budgeted appropriation, the Purchasing Authority shall do one of the following:
 - a) Cancel or postpone the project;
 - b) Make an award to the lowest acceptable bidder based on the budget overrun, and the significance and priority of the proposed project;
 - c) Undertake negotiations in the scope of the work with the bidder submitting the lowest acceptable tender to reduce or alter the scope.
- 17) After approval, a formal contract or a Purchase Order shall be prepared for the total amount of the goods and services which is to be signed by the CAO, and the successful bidder.
- 18) The Municipality of the District of Digby shall require the contractor to provide insurance in accordance with the Tender Documents. The successful bidder shall not commence work under the Contract until proof of insurance has been submitted to the Municipality.
- 19) The Municipality of the District of Digby will require the successful bidders to furnish evidence of coverage under the Worker's Compensation Act and a clearance certificate indicating that the bidder and any other subcontractors involved in the project have appropriate coverage in effect with the Worker's Compensation Board.

PART V – LOCAL PREFERENCE AND SUSTAINABILITY CONSIDERATIONS

20. Local Preference

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- 1) It is recognized by council that vendors located in the Municipality of the District of Digby may be at a competitive disadvantage in terms of their costs of goods, etc. Moreover, it is recognized that local access to business services is critical to community sustainability and growth.
- 2) Whenever the Municipality purchases items, and in particularity in the tendering process, if a local preference is to be given, the amount of this local preference must be clearly set out and defined in the specifications for the project.
- 3) In the case of the purchasing of office supplies and office services and as such where there is a margin of 5% it shall be allowed in favour of in-municipality suppliers, to a limit of \$ 50.00. In all other cases where local preference is to be given in tendering process for any and all projects and services carried out for the Municipality, all the operative terms of the invitation to tender must be expressed.
- 4) Where there is no difference in price, vendors past performance, delivery time, quantity, servicing, or quality of goods and services will be considered. After that the following priority order will be used:
 - a) first from the supplier within the Municipality of the District of or the Town of Digby;
 - b) then from suppliers within Nova Scotia
 - c) then from suppliers within the Atlantic Provinces
 - d) then from suppliers within Canada
 - e) then from suppliers elsewhere
- 5) All requests for quotations and notices of public tender must state that local preference applies to the procurement.
- 6) In accordance with the Atlantic Procurement Agreement, the local preference described above does not apply to the following procurements:
 - a) goods that have a value of \$ 25,000 or greater;
 - b) services that have a value of \$ 50,000 or greater;

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c) construction that has a value of \$ 100,000 or greater.

21. **GREEN PROCUREMENT**

- 1) As much as possible, the Municipality of the District of Digby shall integrate environmental factors into the Municipality's buying decisions where external authorities have not established criteria.
 - a) replacing disposables with reusables or recyclables;
 - b) use of renewable rather than non-renewable resources
 - c) taking into account life cycle costs and benefits;
 - d) evaluating, as appropriate, the environmental performance of vendors in providing products and services;
- 2) The Municipality will raise staff awareness on the environmental issues affecting procurement by providing relevant information and training.
- 3) Encourage suppliers and contractors to offer environmentally preferable products and services at competitive prices.
- 4) Encourage providers of services to consider environmental impacts of service delivery.
- 5) Comply with all environmental legislative and regulatory requirements in the procurement of products and services.
- 6) Nothing in this policy shall be construed as requiring a Department Head, to acquire goods or services that do not perform adequately, or in the case of new products, that have not been proven to perform adequately for their intended use or are not available at a reasonable price in a reasonable period of time.

22. **SURPLUS MATERIAL**

- 1) Goods, supplies and assets which are declared surplus by the Manager or Department Head shall be offered to other departments of the Municipality, or sold in the most effective manner to obtain the highest return, by Tender, auction, negotiation or quotation, in

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accordance with this Policy. The CAO may award the disposal of surplus materials under \$ 1,000 without competition to any non-profit corporation, association, or entity.

- 2) Under normal circumstances employees and Councillors of the Municipality, or their agents shall not be permitted to bid on the purchase of surplus materials.
- 3) The municipality, however, recognizes the benefits of some surplus items would have if made available to staff or council members. Therefore, when deemed by the CAO to be in the best interest of the municipality, the CAO may offer, to the employees and/or council members at auction, items of this nature. The CAO may reject any or all bids if, in his/her opinion, a fair market value has not been bid.

23. **PROFESSIONAL SERVICES**

- 1) Professional services include auditing, banking, legal, insurance, surveying, engineering, architectural and real estate services.
- 2) Generally these services will be subject to a Request for Proposal process. These services may be contracted on a one year basis to be renewed on an annual basis up to a five year maximum on terms satisfactory to the Municipality of the District of Digby and based upon qualifications, experience, services offered, past performance, proposed fees and other relevant considerations. The CAO and appropriate Manager or Department Head are responsible to carry out that process and file a recommendation with the Municipal Council for the appropriate appointment.
- 3) The CAO, or designate, shall prepare the specifications for these services, call for proposals, carry out any necessary interviews, and prepare a recommendation for Council approval.