



Procurement and Purchasing Policy
P-088-14

Effective Date:
June 26, 2024

Part 1 Purpose

- 1.1 The purpose of this policy is to establish guidelines that provide for the procurement of goods, services, construction and facilities by the Municipality of Yarmouth in a fair, open, consistent and transparent manner, resulting in the *best value* for taxpayers.

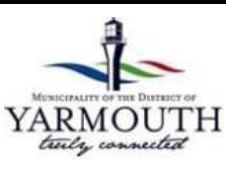
Part 2 Application of this Policy

- 2.1 This Policy applies to procurement by the Municipality of Yarmouth (the *Municipality*) of all goods and services, including construction and facilities, by purchase or lease, but does not apply to procurements:
- 2.1.1 by the *Municipality* from organizations owned or controlled by the *Municipality*;
 - 2.1.2 where a construction project is managed by a third party on behalf of the *Municipality*, in which case the procurement for the project must be in accordance with the contract between the *Municipality* and the third party, and in accordance with generally accepted procurement practices.

Part 3 Definitions

- 3.1 In this Policy:
- 3.1.1 **“Alternative procurement practice”** means the purchase of goods or services without a public tender or other competitive process, in the circumstances described at Part 14 of this Policy;
 - 3.1.2 **“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;
 - 3.1.3 **“CAO”** means the Chief Administrative Officer of the Municipality of the District of Yarmouth;
 - 3.1.4 **“Economic Considerations”** means factors associated with the purchase or manufacture of a product or asset that relate to *life cycle cost*, show fiscal responsibility or show support for the local economy.
 - 3.1.5 **“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

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efficient, or produces or reduces greenhouse gas emissions;

- 3.1.6 **“Life cycle cost”** means the total costs associated with a product or asset over its life span, including the cost of maintenance, repair, operation and disposal;
- 3.1.7 **“Local business”** means any supplier of goods and/or services located in the Municipality of Yarmouth. In absence of an interested supplier from the Municipality of Yarmouth, any supplier of goods and/or services located in Yarmouth County. In absence of an interested supplier from Yarmouth County, any supplier of goods and/or services located in either of Shelburne or Digby Counties.
- 3.1.8 **“Municipality”** means the Municipality of Yarmouth;
- 3.1.9 **“Social considerations”** means factors associated with the purchase or manufacture of a product or asset that relate to the rights or interest of the workers involved, such as working conditions, fair wages, and compliance with human rights legislation and conventions.
- 3.1.10 **“Social enterprise”** means "non-profit organizations" or "registered charities" who operate revenue generating related businesses, and includes organizations that operate as "for-profit" businesses with a social goal.*

**(Innovation, Science and Economic Development Canada)*

Part 4 Procurement Policy Principles

All procurement carried out by the *Municipality* must be carried out with a view to:

- 4.1 ensuring an equitable, open and transparent process for the acquisition of goods and services by the *Municipality*;
- 4.2 avoiding dishonesty, corruption or favoritism in the procurement of goods and services;
- 4.3 encouraging competitive bidding wherever possible and, in any event, minimizing the *Municipality's* cost of acquiring goods and services while obtaining best value;
- 4.4 utilizing suppliers who can be expected to provide satisfactory performance;
- 4.5 taking into account *environmental considerations* in all procurement decisions and selecting environmentally beneficial goods and services where practical;
- 4.6 complying with the Nova Scotia *Public Procurement Act*, and Regulations made pursuant to the *Public Procurement Act*.



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Part 5 Employee Involvement

- 5.1 Pursuant to s. 15(1) of the *Public Procurement Act*, all employees involved in procurement on behalf of the *Municipality* must:
- 5.1.1 ensure their procurement activities are conducted according to this policy, provincial and federal legislation, trade agreements and ethical business practices;
 - 5.1.2 encourage and support collaborative procurement amongst other municipalities and public sector entities such as hospitals and school boards;
 - 5.1.3 follow leading procurement practices;
 - 5.1.4 in good faith, conduct business with current and prospective suppliers and be fair in all business dealings;
 - 5.1.5 strive to obtain the best value for each expenditure;
 - 5.1.6 require suppliers provide accurate representations of goods, services and construction;
 - 5.1.7 encourage suppliers to consider integrating environmental, economic and *social considerations* in their product or service offerings;
 - 5.1.8 encourage the negotiation of an equitable and mutually acceptable settlement when a dispute arises;
 - 5.1.9 request removal from a procurement process when a personal conflict of interest is perceived.

Part 6 Purchasing Authority

- 6.1 In addition to adhering to the principles in Parts 4 and 5, all purchasing up to \$25,000, within approved budget, must be procured from a standing offer where one exists, if doing so will provide the best value. Purchasing practices are as described below:
- 6.1.1 for goods and services having a value of up to \$5,000:
 - 6.1.1.1 the procurement decision must be made by the applicable Department Head or by an employee designated by the Department Head;

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- 6.1.1.2 formal price comparisons are not necessary, however from time-to-time comparisons must be made to ensure best value.
- 6.1.2 for goods and services having a value between \$5,001 and \$10,000:
 - 6.1.2.1 the procurement decision must be made by the applicable Department Head or by an employee designated by the Department Head;
 - 6.1.2.2 goods or services must be procured by an informal verbal or electronic request for quotations (verbal information must be recorded in notes).
- 6.1.3 for goods and services having a value between \$10,001 and \$25,000:
 - 6.1.3.1 the procurement decision must be made by the CAO or by an employee designated by the CAO;
 - 6.1.3.2 goods or services must be procured by a written request for quotations (Part 9).
- 6.1.4 for goods and services having a value of more than \$25,000:
 - 6.1.4.1 the procurement decision must be made by the CAO, or by *Council* if the procurement is not authorized in the budget;
 - 6.1.4.2 goods and services must be procured by public tender according to the following thresholds: for goods over \$25,000; for services over \$50,000; for construction over \$100,000 (Part 10).

Part 7 Exceptions

- 7.1 The CAO may approve exceptions to the normal purchasing practices outlined in Part 6 of this Policy:
 - 7.1.1 when a more competitive process normally used for goods and services of higher value is used; or
 - 7.1.2 when, in accordance with the criteria described in the “*alternative procurement practices*” provisions at Part 14 of this Policy, it is necessary or appropriate that the goods or services be purchased in accordance with that section.

Part 8 Procurement Procedures

- 8.1 Standing offers:



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- 8.1.1 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:
- 8.1.1.1 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 no less than once per year, and no more than every two years (at the discretion of the CAO)
 - 8.1.1.2 equipment leasing programs through the Government of Nova Scotia;
 - 8.1.1.3 Nova Scotia Provincial “standing offers” administered by the Nova Scotia Government;
 - 8.1.1.4 supplies and services available from the Nova Scotia Government;
 - 8.1.1.5 a procurement program administered by the Nova Scotia Federation of Municipalities or the Association of Municipal Administrators of Nova Scotia;
 - 8.1.1.6 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 Part 4.

Part 9 Request for quotations

- 9.1 A request for quotations process involves informally obtaining price quotations from a number of different suppliers.
- 9.2 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.
- 9.3 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 and the amount of time available before the goods and 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.



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- 9.4 Based on the thresholds described in Part 6, quotations must be obtained in writing or verbally. If a quotation is obtained verbally, the person obtaining it 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 employee obtaining the quotation.

Part 10 Public Tender

- 10.1 Public tender means publicly advertising the *Municipality's* intended procurement of certain goods and services and inviting responses from interested suppliers.
- 10.2 Public tenders are used for higher value procurements, when the cost of the goods or services warrants the time, effort and expense required for a public tender process.
- 10.3 Public tenders can be in the form of Traditional tenders (see Part 11), Requests for proposals (see Part 12), or Two-phase bids (see Part 13).

Part 11 Traditional Tender

- 11.1 A traditional tender is a formal invitation to suppliers to submit a bid to supply specified goods or services.
- 11.2 A traditional tender should be used when the procurement requirements of the *Municipality* can be clearly and completely specified.
- 11.3 Traditional tenders do not have to be opened in public, but if they are not, the name of each bidder and the amount of their bid must be made available on request to each bidder after the tenders are opened.
- 11.4 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*.

Part 12 Request for Proposals

- 12.1 A request for proposals 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*.
- 12.2 A request for proposals 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.



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- 12.3 In order to preserve confidentiality of sensitive commercial information contained in a proposal, proposals submitted in response to a request for a proposal 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 made available to the public and the proponents upon request.
- 12.4 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).
- 12.5 The *Municipality* 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 request for proposals and equitably applied to all proposals.

Part 13 Two-phase bids

- 13.1 A two-phase bid process invites suppliers to submit bids as follows:
- 13.1.1 Phase One: one or more steps in which bidders submit proposals for evaluation, either with or without prices in a separate submission;
- 13.1.2 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.
- 13.2 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. This type of procurement has the advantages of a request for proposals in Phase One and a traditional tender in Phase Two.
- 13.3 The Phase One submissions need not to 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 may be opened in public.
- 13.4 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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Part 14 Alternative procurement practices

- 14.1 In certain circumstances, the *Municipality* may purchase goods or services without using one of the options set out above. An alternative procurement purchase may occur only under one or more of the circumstances listed in *Schedule A* of this policy. When an alternative procurement purchase occurs, the reason for doing so must be documented.

Part 15 Permanent exemptions

- 15.1 Individual departments may apply to the CAO for a permanent exemption for certain goods or services that are considered by the CAO not to be subject to tender and would generally be covered by an alternative procurement circumstance. All permanent exemptions over \$5,000 granted must be reported to *Council* at the earliest convenience. Reasons for the exemptions must be recorded.

Part 16 Emergency acquisition

- 16.1 In an emergency situation the CAO is authorized to make reasonable and informed procurement decisions which are determined by him/her to be necessary and are being made in the best interest of the *Municipality*. The CAO may deem these decisions necessary in order to protect the legal interests or to satisfy legal obligations of the *Municipality*, or involve a situation where failure to act could reasonably be expected to compromise Municipal confidentiality, cause economic disruption, or would otherwise be contrary to the public interest. When this clause is invoked, the situation will be reported to Council at the earliest date thereafter.

Part 17 Professional service

- 17.1 Professional services include legal, banking, audit, engineering, architecture and consulting. Generally, these will be subject to a Request for Proposals process. These services may be contracted for a term of up to 5 years, confirmed by *Council* each year, based on services offered, performance, and other relevant considerations. The CAO and appropriate Department Head shall prepare the specifications, issue the call for proposals, carry out interviews, and make recommendations to *Council*.

Part 18 Requirements For All Public Tenders

- 18.1 The following requirements apply to all public tenders, whether traditional tenders, requests for proposals, or Two-phase bids:

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- 18.1.1 The *Municipality* must provide notice of fifteen (15) working days wherever possible and opportunity to respond to public tenders, and must post or place notices of public tenders as follows:
 - 18.1.1.1 on the public website maintained and operated by the Government of Nova Scotia;
 - 18.1.1.2 on the *Municipality's* website;
 - 18.1.1.3 in other media, as directed by the CAO, when the CAO determines that the cost and nature of the procurement warrants the expense of doing so.
- 18.1.2 Exceptions to notice requirement may be made by CAO when necessary.
- 18.2 Every public tender must include or have attached the terms and conditions that govern the tender.
- 18.3 Public tenders should normally include specifications or terms as follows:
 - 18.3.1 expressly or by implication outlining the issues or criteria that will be used for selection of a successful bidder or proponent;
 - 18.3.2 a privilege clause stating that the lowest or any bid or proposal will not necessarily be accepted; *“the Municipality of Yarmouth reserves the right to reject any or all tenders, not necessarily accept the lowest tender or to accept any 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.”*
 - 18.3.3 form of “information to tenderers”; form of “tender”; form of “contract agreement”; form of “general conditions” where required; project drawings, maps, and/or specifications where required.
 - 18.3.4 the location and means of delivery of bids or proposals;
 - 18.3.5 the *Municipality* may charge a fee or deposit (on a cost recovery basis) to interested parties prior to being given hard copies of tender documents;
 - 18.3.6 tender/contract security in the form of Bid Bond or Certified Cheque, or Letter of Credit (at the discretion of the CAO)
 - 18.3.7 the time and date of closing;
 - 18.3.8 a statement that the *Municipality* reserves the right to cancel this tender at any time, accept or reject any or all tenders if none is considered satisfactory.

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- 18.4 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.
- 18.5 The terms and conditions of every public tender must state the criteria that the *Municipality* will use in evaluating responses. Those criteria are not limited to purchase price and *life cycle cost* considerations, but may also include items such as environmental and *social considerations*, delivery, servicing and the capacity of the supplier.
- 18.6 Tender documents and bids are subject to the Freedom of Information and Protection of Privacy provisions of the Municipal Government Act;
- 18.7 For design or architectural services, a statement should be included that the *Municipality* will own the copyright in the design, plans and other intellectual property produced for the *Municipality*.
- 18.8 For each public tender that is awarded, the *Municipality* must post the name of the successful supplier and the contract amount on the public website maintained and operated by the government of Nova Scotia and on the *Municipality's* website.

Part 19 Bid opening, evaluation and award

- 19.1 Bids are accepted in accordance with the closing time, date and place stipulated in the bid request documents. Members of the public may receive the list of bidders electronically upon request after bid opening.
- 19.2 Tenders received after the closing date and time shall be date and time stamped and returned to the bidder unopened, unless an extension to all bidders has been granted prior to closing.
- 19.3 Tenders may be amended or withdrawn by letter or email. Amendment of individual unit prices is the only acceptable price amendment.
- 19.4 The tenders must be opened in the presence of at least 2 municipal employees.
- 19.5 A record will be kept of the proceedings at the bid opening which will include the names of those in attendance as well as the amounts of the bids.
- 19.6 At bidder's request, a list of bidders, the name of winning bidder, and award price excluding taxes will be provided.
- 19.7 Bids must show clearance letter from Worker's Compensation Board, liability insurance (amount as appropriate depending on the nature or scope of the project) with the *Municipality* also named as insured, construction safety certificate of good standing, certificate of registration from Registry of Joint Stocks.



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- 19.8 In the event that all of the bids received exceed the budgeted appropriation, the *Municipality* shall do one of the following: cancel the project; make an award to the lowest acceptable bidder based on the budget overrun, and significance and priority of the proposed project; undertake negotiations in the scope of the work with the bidder submitting the lowest acceptable tender to reduce or alter the scope.
- 19.9 In the case of tied bids, the tie bidders will be requested to submit a final offer. If this is not successful and a tie bid still occurs, the contract will be awarded to the local vendor. Where the tie bidders are either all local or all non-local, all bidders will be invited to a meeting where the successful bidder will be selected in a draw.

Part 20 Bid rejection circumstances

20.1 Bids may be rejected under the following circumstances:

20.1.1 bid does not meet the advertised specifications;

20.1.1.1 bid is not legible or not all items are bid on;

20.1.1.2 bid is incomplete, unbalanced, conditional, obscure, or contain erasures or alterations not properly initialed, or irregularities of any kind.

Part 21 Supplier Debriefing

21.1 Upon the request of a supplier who is an unsuccessful bidder in a public tender, the *Municipality* must conduct a debriefing with that supplier to provide feedback on the evaluation of the public tender. This request must be made in writing within ten (10) days of the tender being awarded. The debriefing must be conducted as follows:

21.1.1 the CAO and/or individuals who evaluated the public tender must conduct the debriefing;

21.1.2 the debriefing must provide reasons for the disqualification of the supplier, or in the case where evaluation scoring was used, provide an overview of the supplier's score in each category and reasons for that score;

21.1.3 the debriefing must also provide information to the supplier on how to improve future submissions.

21.1.4 the debriefing must not disclose any information regarding other bidders or their submissions.



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- 21.2 Where a supplier is not satisfied with the information provided by the debriefing, the supplier may make a complaint to the Chief Procurement Officer (CPO) of the Province of Nova Scotia. The CPO will determine whether the complaint warrants further investigation. This complaint process is not intended as a dispute resolution. The CPO may make recommendations to the *Municipality* and/or bidder on how to improve the process in the future. The CPO provides a report to the province on all complaints received. (Part 18 of the Public Procurement Act.)

Part 22 Local Preference and Sustainability Considerations

22.1 Local preference

22.1.1 The *Municipality* may give preference to purchasing goods and services from *local businesses* in accordance with the following:

22.1.1.1 in evaluating which goods or services offer *best value* to the *Municipality*, the *Municipality* may apply a preference of 10% to a maximum amount of \$10,000 to the price offered by a *local business* as compared with non- *local businesses*, such that the price offered by the *local business* is adjusted lower by 10% for the purposes of evaluating which goods or services offer *best value*.

22.1.1.2 all requests for quotations and notices of public tender must state that local preference applies to the procurement.

- 22.2 In accordance with any Provincial or Federal trade agreement, the local preference-described above may not apply.

Part 23 Sustainability considerations

23.1 Sustainable procurement involves taking a holistic approach to obtain the *best value* for the *Municipality*. Wherever possible and where it is in the best interest of the *Municipality* to do so, personnel may integrate the following considerations in the procurement process:

23.1.1 *Environmental considerations*: eg. Greenhouse gas reduction, waste reduction, toxic use reduction

23.1.2 *Economic considerations*: eg. *Life cycle cost*, fiscal responsibility, support for local economy

23.1.3 *Social considerations*: eg. Employee health and safety, inclusive employment practices, fair wage, *social enterprise*



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23.2 All requests for quotations and notices of public tender must list the sustainability criteria that apply to the procurement.

Part 24 General

24.1 Supplier registry

24.1.1 Suppliers wishing to do business with the *Municipality* shall be encouraged to register in the *Municipality's* Supplier Registry. The Registry must consist of a table of prospective suppliers for goods and services of various types, along with contract information. At least once per year, the *Municipality* will advertise the existence of the Supplier Registry and the method of registration in order to update the Registry. The Registry may be used as a source or supplementary source of suppliers for requests for quotations, invitations to tender, requests for proposals and other public purposes, subject always to the principles outlined in Section 4 of this policy.

Part 25 Pre-qualification of bidders

25.1 In order to eliminate unrealistic tenders, the *Municipality* may require tenderers to be pre-qualified, in certain circumstances and as an acceptable practice, particularly for the acquisition of services in instances where relevant experience, capability, references, evaluation of project team members or other criteria are deemed to be in the best interest of the *Municipality*.

Part 26 Unsolicited bids/quotations/proposals

26.1 The *Municipality* will not accept unsolicited bids, proposals or quotations.

Part 27 Unsatisfactory suppliers

27.1 The *Municipality* may refuse to purchase goods and services from a supplier, and may remove a supplier name from the Supplier Registry if:

27.1.1 the supplier has not provided satisfactory performance, satisfactory quality goods or has otherwise not provided *best value* to the *Municipality* in dealings within the preceding three years;

27.1.2 breach of contract indicating unwillingness to perform a contract in accordance with the terms and conditions or specifications or a record of unsatisfactory performance of one or more contracts in accordance with its specifications or both;

27.1.3 the offer of any gratuity to an official or employee of the *Municipality* by a supplier or contractor for consideration.



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- 27.2 A written decision shall be issued to the suspended supplier setting out the reasons for suspension. Suspension will be approved by the CAO and shall be for a period of not more than three years. Suspensions must be reported to *Council* at the earliest possible convenience.

Part 28 Conflicts of Interest

- 28.1 If an employee otherwise authorized to award a contract has a conflict of interest (that is, he or she stands to gain or lose financially from a contract award), the award must be made by the person to whom the conflicted staff member normally reports and the conflicted staff member must not participate in the procurement process related to the contract in any manner. Where *Council* is awarding a contract, the *Municipal Conflict of Interest Act* applies, so any *Councillor* who has a conflict of interest as defined in the *Act* must act accordingly.

Part 29 Lease arrangements

- 29.1 Lease arrangements are subject to the provisions of this Policy, save and except that *Council's* authority must be obtained for any leases required by the *Municipal Government Act* to be authorized by *Council*.

Part 30 Approval of form of tender

- 30.1 Public tendering documents are to be reviewed by the CAO or his or her designate prior to issuance to ensure consistency of tendering documents and practices.

Part 31 Estimating the value of goods and services

- 31.1 In determining the cost of the goods or services for the purpose of deciding which of Parts 6.1.1, 6.1.2, 6.1.3 or 6.1.4 apply to a purchase, staff must reasonably estimate the value of the goods or services for the duration of the contract.

Part 32 Posting on Municipal website

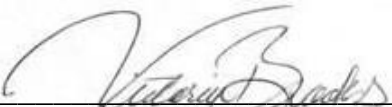
- 32.1 A copy of this Policy must be posted on the *Municipality's* website.

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Part 33 Compliance with Policy

33.1 All staff and *Councillors* must act in good faith to comply with this Policy, but failure to comply with this Policy does not invalidate any procurement decision or act of the *Municipality*, nor is the *Municipality* liable to any supplier or prospective supplier for failing to comply with this Policy.

<p style="text-align: center;">Chief Administrative Officer’s Annotation for Official Policy Book</p>	
<p>Date of Notice to Council members of Intent to Consider (7 days Min)</p>	<p style="text-align: center;">June 19, 2024</p>
<p>Date of Passage of current Policy</p>	<p style="text-align: center;">June 26, 2024</p>
<p>I certify that this Procurement and Purchasing Policy P-088-14 was adopted by Council as indicated above.</p>	
 <p>Chief Administrative Officer</p>	<p style="text-align: center;"><u>June 26, 2024</u> Date</p>

Date last reviewed by Council: June 26, 2024

Date last amended: June 26, 2024

Amendment Log

Date	Amendment Description
<p>May 14, 2024</p>	<ul style="list-style-type: none"> • Updated formatting and numbering • Section 3.1.7 – updated description • Section 3.1.10 – added “<i>Social enterprise</i>” description • Removed Section 4.6 complying with applicable regional, national, and international trade agreements, including the Agreement on Internal Trade, the Atlantic Procurement Agreement, and the Construction Contract Guidelines; • Section 8.1.1.5 – changed Union of Nova Scotia to Nova Scotia Federation of Municipalities



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- Removed Section 18.2 The terms and conditions of every notice of public tender must be consistent with:
 - 18.2.1 the standard instructions that support public tenders issued by the four Atlantic provinces for goods and services, known as the Atlantic Procurement Agreement (a copy of which is attached as Appendix “A” to this Policy);
 - 18.2.2 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 Appendix “B” to this Policy), for the procurement of goods and services;
 - 18.2.3 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 Appendix “C” to this Policy), for the procurement of construction;
 - 18.2.4 Canada’s Agreement on Internal Trade www.ait-aci.ca.
- Section 22.1.1.1 – changed 5 to 10% and \$5000 to \$10,000
- Removed Section 22.1 entirety:
 - 22.1 In accordance with the Atlantic Procurement Agreement, the local preference described above does not apply to the following procurements:
 - 22.4.1 goods that have a value of \$25,000 or greater;
 - 22.4.2 services that have a value of \$50,000 or greater;
 - 22.4.3 construction that has a value of \$100,000 or greater.
- Section 23.1.3 – added inclusive employment practices and *social enterprise*, removed health promotion.
- Section 28.1 – removed Appendix D



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Schedule “A”

Alternative Procurement Practices

- (a) Where an unforeseeable situation of urgency exists and the goods, services or construction cannot be obtained in time by means of open procurement procedures;
- (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;
- (g) For the procurement of goods or services, the supply of which is controlled by a supplier that is a statutory monopoly;
- (h) For the purchase of goods on a commodity market;
- (i) For work to be performed on or about a leased building or portions thereof that may be performed only by the lessor;



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- (j) 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;
- (k) For the procurement of a prototype or a first good or service to be developed in the course of and for a particular contract for research, experiment, study or original development, but not for any subsequent purchases;
- (l) For the purchase of goods under exceptionally advantageous circumstances such as bankruptcy or receivership, but not for routine purchases;
- (m) For the procurement of original works of art;
- (n) For the procurement of subscriptions to newspapers, magazines or other periodicals;
- (o) For the procurement of real property;
- (p) For the procurement of goods intended for resale to the public;
- (q) For procurement from philanthropic institutions, prison labour, persons with disabilities, sheltered workshop programs or through employment equity programs;
- (r) For procurement from a public body or a non-profit organization; or
- (s) For the procurement of services of expert witnesses, specifically in anticipation of litigation or for the purpose of conducting litigation.