

# Report to Council



**Date:** October 30, 2017  
**File:** o600-10  
**To:** City Manager  
**From:** Darren Tompkins, Purchasing Manager  
**Subject:** New Purchasing Bylaw No. 11477

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## **Recommendation:**

THAT Council receive for information, the Purchasing Bylaw Report from the Purchasing Manager, dated October 30, 2017 regarding approval of a new Purchasing Bylaw No. 11477

AND THAT Purchasing Bylaw No. 11477 be forwarded for reading consideration

AND FURTHER THAT Purchasing Bylaw No. 9590 be rescinded

## **Purpose:**

To Provide council with information of the proposed changes within the new Purchasing Bylaw No. 11477 and forward it for initial consideration and rescind the current Purchasing Bylaw No. 9590.

## **Background:**

The current Bylaw (9590) is not fully compliant with recently introduced trade agreement requirements.

The City became subject to the following trade agreements in,

- July 1995, Agreement on Internal Trade (AIT- all provinces), (now replaced with CFTA).
- July 2010, New West Partnership Trade Agreement (NWPTA- BC, AB, SK (2012), MB (2017)).
- July 2017, Canada Free Trade Agreement (CFTA -all provinces).
- July 2017, Comprehensive Economic and Trade Agreement (CETA -EU, Canada).

There were 2 references of geographical location where preference to local vendors was stated and those have been amended or removed. One was the definition for Professional Consulting Services (part 1, section 1.2) being noted as for BC, Alberta, and Saskatchewan. This now needs to include all of Canada. Second was the local supplier preference in part 2 section 2.5, it is non-compliant and should be removed

The current Bylaw 9590 includes operational level specific content (competitive process specifics, like dollar thresholds and direct award conditions) which already exists in Purchasing Policy. These operational specifics are best addressed in a Policy so they can be quickly maintained in response to future developments like new procurement strategies or trade agreement changes. As an example the CETA trade agreement is proposing to index the thresholds each year in the agreement, so they could change every year.

There has been some revision of document content to enhanced the clarity of the messaging. Some titles and words or phrases have been replaced to use more accurate terminology.

A new Construction category was added to the acquisition categories of Goods and Services. All applicable trade agreements have a construction category because the Parties recognize that the category has different connotations. To align with those differing expectations and obligations the introduction of a construction category serves the City well.

**Internal Circulation:**

- Deputy City Manager
- Divisional Director, Infrastructure
- Divisional Director, Corporate and Protective Services
- Divisional Director, Financial Services

**Legal/Statutory Authority:**

*Community Charter, Part 5, Division 3, Subsection 173 – provide for the expenditure of municipal funds included in its financial plan;*

*Community Charter, Part 5, Division 6, Section 154, Subsection (1) (b) – delegate powers, duties and functions to its officers and employees;*

**Legal/Statutory Procedural Requirements:**

After adoption of Purchasing Bylaw No. 11477, Purchasing Bylaw No. 9590 is hereby rescinded and all amendments thereto are rescinded.

**Existing Policy (Bylaw):**

Purchasing Bylaw No. 9590

**Considerations not applicable to this report:**

- **Personnel Implications:**
- **External Agency/Public Comments:**
- **Alternate Recommendation:**
- **Financial/Budgetary Considerations:**
- **Communications Comments:**

Submitted by:

D Tompkins, Purchasing Manager

**Approved for inclusion:**



RM Divisional Director Corporate and Protective Services