



Staff Report for Committee of the Whole Meeting

Date of Meeting: September 4, 2019

Report Number: SRCFS.19.038

Department: Corporate and Financial Services

Division: Financial Services

**Subject: SRCFS.19.038 – Semi Annual Report – Non
Competitive Acquisitions**

Purpose:

To provide required report of all Non-Competitive contracts awarded from January 1, 2019 to June 30, 2019 in accordance with Town's Procurement By-law 113-16.

Recommendation(s):

That this report be received for information purposes only.

Contact Person:

Tharshini Markandaier, CPO/Manager of Procurement, Ext. 5524

Report Approval:

Submitted by: Mary-Anne Dempster, Commissioner of Corporate and Financial Services

Approved by: Neil Garbe, City Manager

All reports are electronically reviewed and/or approved by the Division Director, Treasurer (as required), Town Solicitor (as required), Commissioner, and Chief Administrative Officer. Details of the reports approval are attached.

Background:

Council approved a new Procurement framework and enacted By-law 113-16 in January 2017. Section 270(1) (3) of the *Municipal Act, 2001* requires that Council adopt and maintain policies with respect to its procurement of goods and services.

As part of By-law 113-16 the Commissioner of Corporate and Financial Services shall provide a semi-annual report to Council detailing all non-competitive sole-source and single-source acquisitions. This report excludes single source acquisitions under provision (b), where goods and services were acquired due to an Unforeseen Situation of Urgency and the Goods and/or Services cannot be obtained in time by means of a Competitive Procurement. Acquisitions made pursuant to this provision must be reported to Council by the Commissioner at his or her earliest opportunity and in any event, within sixty (60) calendar days of approving the Acquisition.

Page 2

Sole-source and single source acquisitions generally are required under the following circumstances:

Table - Extract from Procurement By-law 113-16

Single Source Acquisitions	(a)	in the absence of receipt of any Submissions in response to a request.
	(b)	an Unforeseen Situation of Urgency exists and the Goods and/or Services cannot be obtained in time by means of a Competitive Procurement.
	(c)	Goods and/or Services regarding matters of a confidential or privileged nature are to be purchased and the disclosure of those matters through an open competitive process could reasonably be expected to compromise confidentiality, cause economic disruption or otherwise be contrary to the public interest.
	(d)	where compliance with the requirements of this Policy would interfere with the Town's ability to maintain security or order or to protect human, animal or plant life or health.
Sole Source Acquisitions	(a)	where the supply of the Goods and/or Services is controlled by a Supplier that is a statutory monopoly.
	(b)	where there is an absence of competition for technical reasons and the Goods and/or Services can be supplied only by a particular Supplier and no alternative or substitute exists.
	(c)	to ensure compatibility with existing products, to recognize exclusive rights such as patent, copyright or license, or to maintain specialized products that must be maintained by the manufacturer or its representative.
	(d)	for the Acquisition of Goods on the commodity market.
	(e)	for work to be performed on or about a leased building or portions thereof that may be performed only by the lessor.
	(f)	for work to be performed on a property by a contractor according to provisions of a warranty or guarantee held in respect of the property or the original work.
	(g)	for the purchase of Goods under exceptionally advantageous circumstances such as bankruptcy or receivership, but not for routine purchases.
	(h)	for a Contract to be Awarded to the winner of a design contest.
	(i)	for the Procurement of a prototype of 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.
	(j)	for the Procurement of original works of art.
	(k)	for the Procurement of subscriptions to newspapers, magazines or other periodicals.

Page 3

Financial/Staffing/Other Implications:

Appendix 'A' summarizes these sole source and single source acquisitions for the period of January 1, 2019 to June 30, 2019. For this period, Sole and Single Source Acquisitions were awarded for a cumulative value of \$1,033,766.45.

Relationship to the Strategic Plan:

Reporting of single source and sole source acquisitions demonstrates transparent and responsible municipal management.

Conclusion:

This report has been prepared to fulfill reporting requirements provided in Procurement By-law 113-16.

Attachments:

The following attached documents may include scanned images of appendixes, maps and photographs. If you require an alternative format, please call contact person listed in this document.

Appendix A - Sole & Single Source Acquisitions from January 1 to June 30 2019

Page 4

Report Approval Details

Document Title:	SRCFS.19.038.docx
Attachments:	- Appendix A.xlsx
Final Approval Date:	Aug 6, 2019

This report and all of its attachments were approved and signed as outlined below:

David Dexter - Aug 2, 2019 - 3:48 PM

Task assigned to MaryAnne Dempster was completed by delegate Sherry Adams

Sherry Adams on behalf of MaryAnne Dempster - Aug 2, 2019 - 3:58 PM

Neil Garbe - Aug 6, 2019 - 9:56 AM