



## Staff Report for Committee of the Whole Meeting

Date of Meeting: September 6, 2023

Report Number: SRCFS.23.040

Department: Corporate and Financial Services

Division: Financial Services

**Subject: SRCFS.23.040 - Semi Annual Report - Non Competitive Acquisitions**

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### Purpose:

To provide required report of all Non-Competitive contracts awarded from January 1 to June 30, 2023 in accordance with City's Procurement By-law 113-16.

### Recommendation(s):

a) That this report be received for information purposes only.

### Contact Person:

Gigi Li, Director, Financial Services and Treasurer Ext. 6435

### Report Approval:

**Submitted by:** Sherry Adams, Commissioner of Corporate and Financial Services

**Approved by:** Darlene Joslin, City Manager

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

### Background:

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. The City's current procurement framework came into effect in January 2017, with the enactment of the City's Procurement Policy By-law 113-16 and Financial Control By-law 114-16. These by-laws were recently amended by By-law 141-20.

Pursuant to By-law 113-16, as amended by By-law 141-20, 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.

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

**Table - Extract from Procurement By-law 113-16**

<b>Single Source Acquisitions</b>	(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.
<b>Sole Source Acquisitions</b>	(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.

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### **Financial/Staffing/Other Implications:**

Appendix "A" summarizes these sole source and single source acquisitions for the period of January 1 to June 30, 2023. For this period, Sole and Single Source Acquisitions were awarded for a cumulative value of \$747,098.23.

### **Relationship to Council's Strategic Priorities 2020-2022:**

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

### **Climate Change Considerations:**

Climate change considerations are not applicable to this staff report.

### **Conclusion:**

This report has been prepared to fulfill reporting requirements provided in Procurement By-law 113-16, as amended by By-law 141-20.

### **Attachments:**

The following attached documents may include scanned images of appendixes, maps and photographs. All attachments have been reviewed and made accessible. If you require an alternative format please call the contact person listed in this document.

- Appendix "A" - Sole and Single Source Acquisitions from January 1 to June 30, 2023.

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### Report Approval Details

Document Title:	SRCFS.23.040 - Semi Annual Report for Non Competitive Acquisitions.docx
Attachments:	- SRCFS.23.040 - Appendix A.pdf
Final Approval Date:	Aug 15, 2023

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

**Gigi Li - Aug 15, 2023 - 10:19 AM**

**Sherry Adams - Aug 15, 2023 - 10:32 AM**

**Darlene Joslin - Aug 15, 2023 - 11:39 AM**