

By-Law Number 22-034

of

The Regional Municipality of Waterloo
A By-law to Amend By-law Number 16-032 of The Regional Municipality of Waterloo,
A By-Law to Provide for its Procurement of Goods and
Services and the Disposal of its Surplus Goods

Whereas the Council of The Regional Municipality of Waterloo enacted By-Law 16-032 of The Regional Municipality of Waterloo, A By-Law to Provide for its Procurement of Goods and Services and the Disposal of its Surplus Goods (“By-Law 16-032”);

And Whereas The Regional Municipality of Waterloo wishes to make certain amendments to By-Law 16-032;

Now therefore, the Council of The Regional Municipality of Waterloo enacts as follows:

1. Section 1 of By-Law 16-032 is hereby amended by repealing the definition of “consultant proposal”.

2. Section 9 of By-law 16-032 is hereby repealed and replaced with the following:

9. (1) Where a requirement for goods or services is estimated to exceed \$150,000 in value, the Chief Purchasing Officer shall acquire the goods or services by advertising for tenders.

(2) Where tenders are called for under this section,

(a) the Chief Purchasing Officer shall have the authority to accept a tender if the value is between \$150,000 and \$1,000,000;

(b) the Chief Administrative Officer shall have the authority to accept a tender if the value is between \$1,000,000 and \$10,000,000; and

(c) Council shall have the authority to accept a tender if the value exceeds \$10,000,000;

provided that the tender is compliant and it has the best overall cost.

(3) Notwithstanding subsection (2) of this section, only Council shall have the authority to accept a tender if the tender with the best overall cost that is compliant exceeds the budget for the acquisition of the goods and services and approval from Council to increase the budget is desired.

3. Section 10 of By-law 16-032 is hereby repealed.

4. Section 13 of By-law 16-032 is hereby repealed and replaced with the following:

13. (1) For a proposal that has a value up to \$1,000,000, the Chief Purchasing Officer shall have the authority to accept the proposal provided that the proposal is compliant and that it best meets the criteria as established pursuant to subsection 12(1) of this By-law.

(2) For a proposal that has a value in excess of \$1,000,000 but less than \$10,000,000, the Chief Administrative Officer shall have the authority to accept the proposal provided that the proposal is compliant and that it best meets the criteria as established pursuant to subsection 12(1) of this By-law.

(3) For a proposal that has a value in excess of \$10,000,000, Council shall have the authority to accept the proposal provided that the proposal is compliant and that it best meets the criteria as established pursuant to subsection 12(1) of this By-law.

(4) Notwithstanding subsections (1) and (2) of this section, only Council shall have the authority to accept a proposal if the proposal that best meets the criteria as established pursuant to subsection 12(1) of this By-law exceeds the budget for the acquisition of the goods or services and approval from Council to increase the budget is desired.

5. Section 14 of By-law 16-032 is hereby repealed.
6. Section 15 of By-law 16-032 is hereby repealed.
7. Part VI – Consultant Proposals, including sections 17, 18, 19 and 20, of By-law 16-032 is hereby repealed.
8. Subsection 21(2) of By-law 16-032 is hereby repealed and replaced with the following.

(2) Notwithstanding subsection (1) of this section, the Chief Purchasing Officer shall submit any negotiated acquisition, with the exception of a negotiated acquisition to extend or renew an existing software licence or maintenance agreement that is included within the program budget, to:

(a) the Chief Administrative Officer for approval if the value of the acquisition is between \$500,000 and \$2,000,000; and

(b) Council for approval if the value of the acquisition exceeds \$2,000,000.

9. Subsection 22(4) of By-law 16-032 is hereby repealed and replaced with the following:

(4) After the emergency is over, the Chief Purchasing Officer shall report to Council for any expenditure with a value that exceeds \$500,000 and the Chief Purchasing Officer shall include an explanation in regard to the emergency and the need for the goods or services.

10. Section 31 of By-law 16-032 is hereby repealed.
11. Section 32 of By-law 16-032 is hereby repealed.
12. Section 35 of By-law 16-032 is hereby repealed and replaced with the following:

35. (1) Where any purchase of goods or services has been authorized under this By-law, the Chief Administrative Officer may authorize the disbursement of additional funds provided that the additional funds:

(a) shall not exceed the greater of \$250,000 or ten percent (10%) of the original contract price;

(b) are available within the program budget; and

(c) are required to complete works that are necessary as part of the original contract.

(2) Where any purchase of goods or services has been authorized under this By-law, the Chief Purchasing Officer may authorize disbursement of additional funds provided that the additional funds are necessary as a result of a legislative change.

(3) The conditions under subsection (1), (a), (b) and (c) of this section do not apply where the additional funds are provided to the Region by a developer, land owner, or other government body.

13. Section 37 of By-law 16-032 is hereby repealed and replaced with the following:

37. The authority of the Chief Administrative Officer to act in the absence of Council shall be governed by By-law 20-027 of the Region or any successor by-law or amendments.

14. Section 38 of By-law 16-032 is hereby repealed and replaced with the following:

38. When any bid call under this By-law is required to be advertised, the Chief Purchasing shall, as a minimum, advertise the bid call on the website for the Region from the date that the bid is called to and including the date on which the bid call closes.

15. Subsection 45(1) of By-law 16-032 is hereby repealed and replaced with the following:

(1) the Chief Purchasing Officer may sign any contract or other document required for the acquisition of goods or services or for the disposal of goods with a value not exceeding \$10,000,000; and

16. Schedule A of By-law 16-032 is hereby amended by adding the following:

19. Costs for a labour disruption or strike

17. This By-law shall come into effect on July 1, 2022.

By-law read a first, second and third time and finally passed in the Council Chamber in the Regional Municipality of Waterloo this 22nd day of June, A.D., 2022.

Regional Clerk

Regional Chair