

BY-LAW NO. 22- 2004

**A BY-LAW OF THE VILLAGE OF BURK’S FALLS
GOVERNING PROCUREMENT POLICIES
AND PROCEDURES**

| TABLE OF CONTENTS | Page |
|--|-------------|
| PART I - SHORT TITLE | 3 |
| PART II - PURPOSES, GOALS AND OBJECTIVES | 3 |
| PART III - DEFINITIONS | 3 |
| PART IV - GENERAL PROCUREMENT POLICY | 6 |
| Section 1: Application | 6 |
| Section 2: Responsibilities and Authorities | 6 |
| Section 3: Requirement for Approved Funds | 6 |
| Section 4: Restrictions | 6 |
| Section 5: Total Project Cost | 6 |
| Section 6: Prescribed Council Approval | 7 |
| Section 7: Trade Agreements | 7 |
| Section 8: Notification of Procurement Opportunities | 7 |
| Section 9: Cancellation of Bid Solicitation | 7 |
| PART V - PROCUREMENT PROCEDURES | 7 |
| Section 1: General | 7 |
| Section 2: Purchases of \$ 100.00 or Less | 8 |

| | | |
|--|---|-----------|
| Section 3: | Purchases of \$ 5,000.00 or Less - Request for Quotation | 8 |
| Section 4: | Purchases of Greater than \$ 5,000.00 - Request for Proposal | 8 |
| Section 5: | Purchases of Greater than \$ 40,000.00 - Request for Tender | 9 |
| Section 6: | In House Bids | 9 |
| PART VI - BID AND CONTRACT ADMINISTRATION | | 9 |
| Section 1: | Submission of Bids | 9 |
| Section 2: | No Acceptable Bid or Equal Bids Received | 9 |
| - 1 - | | |
| Section 3: | Guarantees of Contract Execution and Performance | 10 |
| Section 4: | Irregularities Contained in Bids | 10 |
| Section 5: | Contractual Agreement | 10 |
| Section 6: | Exercise of Contract Renewal Options | 10 |
| Section 7: | Contract Amendments and Revisions | 11 |
| Section 8: | Execution and Custody of Documents | 11 |
| Section 9: | Term of Council | 11 |
| Section 10: | Surplus Stock | 11 |
| PART VII - OTHER | | 11 |
| Section 1: | Access to Information | 11 |
| Section 2: | By-law Review | 11 |
| Section 3: | Effective Date | 11 |
| Section 4: | Repeal | 11 |

- 2 -

BY- LAW NO. 22 - 2004

**A BY-LAW OF THE VILLAGE OF BURK'S FALLS
GOVERNING PROCUREMENT POLICIES
AND PROCEDURES**

WHEREAS Section 271 of the Municipal Act, 2001 imposes upon municipalities the obligation to adopt policies with respect to the procurement of Goods and Services;

AND WHEREAS this By-law establishes the authority and sets out the methods by which Goods, Services or Construction will be purchased and disposed of for the purposes of the Village of Burk's Falls subject to certain exceptions set out herein;

NOW THEREFORE the Council of the Village of Burk's Falls enacts as follows:

PART I - SHORT TITLE

1. This By-law may be cited as the "Procurement By-law".

PART II - PURPOSES, GOALS AND OBJECTIVES

2. The purposes, goals and objectives of this By-law and of each of the methods of procurement authorized are;
 - a) To obtain best value;
 - b) To maximize savings for taxpayers;
 - c) To ensure service and product delivery, quality, efficiency and effectiveness;
 - d) To ensure fairness among bidders;
 - e) To ensure openness, accountability and transparency while protecting the financial best interests of the Municipality;
 - f) To have regard to the accessibility for persons with disabilities to the Goods, Services and Construction purchased by the Village of Burk's Falls;
 - g) To attempt to reduce the amount of solid waste requiring disposal through the purchase of environmentally responsible Goods and Services.

PART III - DEFINITIONS

3. In this by-law.

"AWARD", "AWARDED" and "AWARDING" mean authorization to proceed with the purchase of goods, services and construction from a chosen supplier;

"BEST VALUE" means the optimal balance of performance and cost determined in accordance with a pre-defined evaluation plan;

"BID" means an offer or submission from a supplier in response to a bid solicitation;

“BID BOND” means the form of security required by the terms and conditions of Bid Solicitation documentation to guarantee that the successful bidder enters into a Contract with the Village of Burk’s Falls;

“BID SOLICITATION” means a formal request for bids that may be in the form of a Request for Quotation, Request for Proposal or Request for Tender;

- 3 -

“CONSTRUCTION” means a construction, reconstruction, demolition, repair or renovation of a building, structure or other civil engineering or architectural work and includes site preparation, excavation, drilling, seismic investigation, the supply of products and materials and the supply of equipment and machinery if they are included in and incidental to the construction, and the installation and repair of fixtures of a building, structure or other civil engineering or architectural work, but does not include professional services related to the construction contract unless they are included in the procurement;

“CONTRACT” means a binding agreement by way of a Purchase Order or Purchase Order incorporating a formal agreement or a formal agreement between two or more parties that creates an obligation to do or not to do a particular thing;

“COUNCIL” means the Council of the Municipality of the Village of Burk’s Falls;

“COUNCIL APPROVED BUDGETS” means Council approved department budgets including authorized revisions, or where applicable, Council approved budgets of local boards to which this By-law applies;

“DEPARTMENT” means an organizational unit headed by a Department Head;

“DEPARTMENT HEAD” means the person appointed by Council to be responsible for the operation of a Department and/or their designate and includes the person appointed to the position of Clerk/Treasurer; and/or Village Foreman;.

“DISPOSAL” means the removal of material by sale, trade-in, alternative use or destruction;

“EMERGENCY” means a situation, or the threat of an impending situation, which may affect the environment, the life, safety, health and/or welfare of the general public, or the prop-

erty of the residents of the Village of Burk's Falls, or to prevent serious damage, disruption of work, or to restore or to maintain essential service to a minimum level;

“FAIR MARKET VALUE” means the price that would be agreed to in an open and unrestricted market between knowledgeable and willing parties dealing at arms-length where fully informed and not under any compulsion to transact;

“GOODS” means moveable property including,

- a) the costs of installing, operating, maintaining or manufacturing such moveable property, and
- b) raw materials, products, equipment and other physical objects of every kind and description whether in solid, liquid, gaseous or electronic form, unless they are procured as part of a construction contract;

“HIGHEST TECHNICAL BID” means the bid that would provide the Village with the best product or service as measured by the evaluation criteria;

“HOLD BACK” means an amount withheld under the terms of the contract to ensure the complete performance of the contract and to avoid overpayment in relation to progress of work;

- 4 -

“IN HOUSE BID” means a Bid made by a Department and authorized by the Department Head of that Department, submitted in response to a Bid Solicitation, where the provision of the Goods, Services or Construction will be provided entirely by the employees of the Village of Burk's Falls;

“LOWEST COMPLIANT BID” means the bid that would provide the Village with the desired goods, services and construction at the lowest cost, meets all the specifications and contains no major irregularity or qualifications;

“PROFESSIONAL SERVICES” means persons having a specialized knowledge or skill for a defined Service requirement including,

- a) architects, engineers, designers, management and financial consultants, and

- b) firms or individuals having specialized competence in environmental, planning or other disciplines;

“PROGRESS PAYMENT” means a payment made under the terms of a contract after the performance of the part of the contract in respect of which payment is made but before the performance of the whole contract;

“PROPOSAL” means an offer submitted in response to a Request for Proposal, acceptance of which may be subject to further negotiation;

“PURCHASE” means to acquire goods, services or construction by purchase, rental, lease or trade;

“PURCHASE ORDER” means a written offer to a supplier formally stating all terms and conditions for the purchase of goods, services or construction or a written acceptance of an offer received in accordance with this by-law.

“QUOTE” means a bid submitted in response to a Request for Quotation;

“REQUEST FOR PROPOSAL” means a Bid Solicitation that is used to acquire Goods, Services or Construction, the suitability of which is dependant upon non-price factors and which may result in further negotiation between the parties;

“REEVE” means the Reeve for the Village of Burk’s Falls;

“SECURITY DEPOSIT” means a deposit of securities by a supplier that the Village may convert under defined conditions to complete the suppliers contractual obligation;

“SERVICES” includes all professional and consulting services, all services in relation to real property or personal property including, without limiting the foregoing, the delivery, installation, construction, maintenance, repair, restoration, demolition or removal of personal property and real property and all other services of any nature and kind save and except only services to be delivered by an officer or employee of the Village in accordance with terms of employment;

“SOLE SOURCE” means the Supplier of a good or service that is unique to a particular vendor and cannot be obtained from another source.

“TENDER” means a bid resulting from a **Request for Tender**;

“TOTAL ACQUISITION COST” means an evaluation of quality and service in the assessment of a Bid and the sum of all costs including purchase price, all taxes, warranties, local service costs, life cycle costs, time of completion or delivery, inventory carrying costs, operating and disposal costs for determining the Lowest Compliant Bid;

“VILLAGE” & “VILLAGE OF BURK’S FALLS” means the Municipal Corporation of the Village of Burk’s Falls.

PART IV - GENERAL PROCUREMENT POLICY

1. APPLICATION

The procedures prescribed in this by-law shall be followed to make a contract award or to make a recommendation of a contract award to Council.

2. RESPONSIBILITIES AND AUTHORITIES

- a) The Department Head has the responsibility for procurement activities within their departments and are accountable for achieving the specific objectives of the procurement project.
- b) The Department Head has the authority to award contracts in the circumstances specified in this by-law provided that the delegated power is exercised within the limits prescribed in this by-law, and the requirements of this by-law are met.

3. REQUIREMENT FOR APPROVED FUNDS

- a) The exercise of authority to award a contract is subject to the identification and availability of sufficient funds in appropriate accounts within Council approved estimates.
- b) Where goods and services are routinely purchased or leased on a multi-year basis, the exercise of authority to award a contract is subject to:
 - (i) the identification and availability of sufficient funds in appropriate accounts for the current year within Council approved estimates,
 - (ii) the requirement for the goods or services will continue to exist in subsequent years and, in the opinion of the Department Head, the required funding can reasonably be expected to be made available, and
 - (iii) the contract has a provision in it that the supply of goods or services in subsequent years is subject to the approval by Council of the estimates to meet the proposed expenditures.
- c) All purchase requests for contracts for which sufficient funds are not available and identified shall be rejected unless the deficiency is minimal and alternative funding has been identified

4. RESTRICTIONS

- a) No Contract for Goods, Services or Construction may be divided into two or more parts to avoid the application of the provisions of this By-law.

- b) No employee shall purchase any Goods, Services or Construction, except in accordance with this By-law.
- c) Where an employee involved in the Award of any Contract has any pecuniary interest, direct or indirect, the employee shall immediately disclose the interest to the Council and shall not take part in the Award of the Contract or attempt in any way to influence the Award of the Contract.

5. TOTAL PROJECT COST

Where this by-law prescribes financial limits on contracts that may be awarded on the authority of a Department Head, or provides for financial limits on contracts required to be reported to Council, for the purpose of determining whether a contract falls within these prescribed limits, the contract amount shall be the sum of:

- a) all costs to be paid to the supplier under the contract; and
- b) all taxes,
- c) less any rebates.

- 6 -

6. PRESCRIBED COUNCIL APPROVAL

Despite any other provisions of this By-law, the following Contracts are subject to Council approval:

- a) any Contract requiring approval from the Ontario Municipal Board;
- b) any Contract where the Total Acquisition Cost is greater than the Council Approved Budget;
- c) any contract where a major irregularity precludes the Award of a Contract to the supplier submitting the lowest bid;
- d) Any Contract where a Good, Service or Construction has a Total Acquisition Cost which exceeds \$ 1,000.00, unless in an emergency situation, in which case, the Total Acquisition Cost must not exceed \$ 2,000.00;
- e) Any procurement from a Sole Source.

7. TRADE AGREEMENTS

- a) Procurement by the Village may be subject to the provisions of trade agreements.
- b) Where an applicable trade agreement is in conflict with this By-law, the trade agreement shall take precedence.
- c) Council is to be advised where a procurement action may not conform to an applicable trade agreement as early as possible in the procurement process.

8. NOTIFICATION OF PROCUREMENT OPPORTUNITIES

- a) Notification of procurement opportunities exceeding \$ 40,000.00 for goods, services and construction and \$ 50,000.00 for professional services shall be made by advertisement in a publication with wide commercial circulation.
- b) Notification of procurement opportunities by means of advertisement in a publication with wide commercial circulation may be complemented by other means where appropriate.
- b) Notifications of procurement opportunities below the thresholds stated in subsection a) shall be placed, at least once, in a local newspaper, and on the municipal web site.

9. CANCELLATION OF BID SOLICITATION

A Department Head, with the concurrence of Council, may cancel a bid solicitation at any time up to contract award, and shall ensure that the confidentiality of any bid submitted is maintained in accordance with the provisions of the Municipal Freedom of Information and Protection of Privacy Act, as amended.

PART V - PROCUREMENT PROCEDURES

1. GENERAL

- a) The purchasing methods described in this by-law do not apply to the following Goods and Services:
 - (i) Employers General Expenses:
 - Salaries, wages and benefits;
 - Payroll Deductions Remittances;
 - Licenses;
 - Debenture Payments;
 - Grants & Donations;
 - Damage Claims;
 - Petty Cash Replenishment;
 - Tax Remittances;
 - Debt and Bank Charges;
 - Utilities
 - On going roads/water/sewer maintenance and office supplies

Training and Education:
Memberships;

Registration fees for conferences, conventions, courses and seminars

- (iii) Refundable Employee/Councillor Expenses:
 - Meal Allowances;
 - Travel

- (iv) Professional and Special Services
 - Committee Fees;
 - Legal fees and other Professional Services related to litigation or legal matters

- b) The following are authorized procedures for the procurement of goods, services and construction:

| Procedure | Project Cost |
|------------------------------|---------------------------|
| Petty Cash | \$ 100.00 or less |
| Request for Quotation | \$ 5,000.00 or less |
| Request for Proposal | Greater than \$ 5,000.00 |
| Request for Tender | Greater than \$ 40,000.00 |

2. PURCHASES FROM PRE-QUALIFIED SUPPLIERS

- a) Where Council considers that either
 - standardization, continuity, or familiarity of a Supplier with the existing policies, equipment or systems of the Municipality; or
 - close proximity for quick pick-up or deliveryare significant factors in obtaining Best Value, it may establish a list of Pre-Qualified Suppliers of specific types of Goods, Services and Construction.
- b) The names of any such Pre-Qualified Suppliers; the type(s) of procurement they are pre-qualified to supply; and the maximum Total Acquisition Cost of each procurement which can be made under the Pre-Qualified Procurement procedure set out in this clause shall be set out in Schedule B forming part of this by-law.
- c) Changes to Schedule B shall be by means of a by-law amending Schedule B to this by-law. Council shall review Schedule B annually to determine if each Pre-Qualified Supplier continues to provide Best Value and whether or not changes should be made to the Suppliers, items or maximum amounts; and may review it at any time on its own initiative or at the request of a Department Head.
- d) Inclusion in Schedule B as a Pre-Qualified Supplier does not create any contract or entitlement to participate in any procurement. A Supplier may be removed from Schedule B at any time and no reason is required for such removal.
- e) Unless Council directs otherwise, when considering the addition of a new Supplier or type of procurement to Schedule B, the Department Head most likely to use such procurement shall solicit competitive bids or proposals for a “basket” of likely procurements from more than one Source, including any Source of similar procurements already listed in Schedule B; and shall report the results of such

competition, the Department Head's recommendation and the reasons for such recommendation to Council.

- f) The Provisions of Sections 2, 3, 4, 5 and 7 of this Part do not apply to a procurement from a Pre-Qualified Supplier PROVIDED THAT the type of procurement is that specified for that Supplier in Schedule B and the Total Acquisition Cost is less than the maximum set out in Schedule B for such procurement.
- g) Nothing in this Section requires a Department Head to make any procurement from a Supplier listed in Schedule B. Department Heads are encouraged to test the market from time to time; to use an appropriate competitive procedure for procurements when they believe it will yield Best Value; and to recommend changes to Schedule B whenever they believe the goal of Best Value will be served by changes.

3. PURCHASES OF \$ 100.00 OR LESS

- b) The Clerk-Treasurer shall have authority to establish a Petty Cash fund in such an amount to meet the requirements of the municipality for the acquisition of goods, services or construction having a value of \$ 100.00 or less.
- b) Purchases shall be made from the competitive marketplace wherever possible.
- c) All petty cash disbursements shall be evidenced by vouchers.

4. PURCHASES OF \$ 5,000.00 OR LESS - REQUEST FOR QUOTATION

- a) Requirements estimated at \$ 5,000.00 or less, shall be handled by the Request for Quotation procedure, however there may be requirements estimated at \$ 5,000.00 or less where it will be more appropriate to solicit bids using a Request for Proposal or a Request for Tender.
- b) The request for Quotation is a bid solicitation where written quotes are obtained from suppliers without formal advertising or receipt of sealed bids.
- c) Quotes may be requested from those suppliers who appear best qualified to meet the provisions of the quotation, or, those suppliers as approved and in amounts as shown in Schedule "B" attached to the by-law determined by Council shall not be subject to completing a Request for Quotation , or
- d) an advertisement may be place in the local newspaper at least once.
- e) The Department Head will request a minimum of two quotes, review the quotes to ensure compliance with the related procedures and established terms or conditions, and prepare a written report for Council setting out the Lowest Compliant Bidder.
- f) Final acceptance of Quotations must be by resolution of Council.
- g) Purchases of \$ 1000.00 or less, or in the case of an emergency, \$ 2,000.00 or less, is exempt from Council approval, in accordance with Section 6, Part IV.

5. PURCHASES OF GREATER THAN \$ 5,000.00* - REQUEST FOR PROPOSAL

- a) A Request for Proposal should be used where one or more of the criteria for issuing a Request for Tender cannot be met, such as;

- (i) owing to the nature of the requirement, suppliers are invited to propose a solution to a problem, requirement or objective and the selection of the supplier is based on the effectiveness of the proposed solution rather than on price alone, or
 - (ii) it is expected that negotiation with one or more bidders may be required with respect to any aspect of the requirement.
- b) A Request for Proposal shall be issued by;
 - (i) advertise in a publication with wide commercial circulation.
 - (ii) an advertisement, at least once, in the local newspaper.
- c) The Department Head with/without a Committee of Council will review all proposals against the established criteria and reach consensus on the final rating results.
- d) A written report will be prepared and presented to Council recommending award of contract to the supplier meeting all mandatory requirements and providing best value as stipulated in the Request for Proposal.
- e) Final acceptance of Proposals must be by resolution of Council.

6. PURCHASES OF GREATER THAN \$ 40,000.00 - REQUEST FOR TENDER

- b) A Request for Tender shall be used for purchases exceeding \$ 30,000.00 where all of the following criteria apply:
 - (i) two or more sources are considered capable of supplying the requirement;
 - (ii) the requirement is adequately defined to permit the evaluation of tenders against clearly stated criteria;
 - (iii) the market conditions are such that tenders can be submitted on a common pricing basis;
 - (iv) it is intended to accept the lowest priced responsive tender without negotiations.
 - (v) sufficient funds are available and identified in appropriate accounts within Council Approved budgets except in an emergency situation;
 - (vi) the provisions of this By-law are complied with.
- (i) b) A Request for Tender shall be issued by;
 - (i) in a publication with wide commercial circulation and/or
 - (ii) an advertisement, at least once, in the local newspaper.
- c) The Department Head with/without a Committee of Council will review all tenders against the established criteria and reach consensus on the final rating results.
- d) Tenders will be opened and reviewed by members of Council at a Council Meeting on a date and time predetermined by Council.
- e) Final acceptance of Tenders must be by resolution of Council.

7. IN HOUSE BIDS

- a) In House Bids may be used for the procurement of Goods, Services or Construction in circumstances where the Council considers it appropriate to do so.

- b) In House Bids must be in writing and approved by resolution of Council.

8. **JOINT TENDERS**

Council may authorize a Department Head to participate in a joint tendering process along with other municipalities. The procurement procedures should be consistent with municipal policy. Final acceptance of proposals must be by resolution of Council.

PART VI - BID AND CONTRACT ADMINISTRATION

1. **SUBMISSION OF BIDS**

Bids shall be accepted in paper form, facsimile form subject to the municipality having in place appropriate arrangements for receipt of bids, ensuring confidentiality and security including maintaining the “sealed” nature of bids as long as necessary where required.

2. **NO ACCEPTABLE BID OR EQUAL BIDS RECEIVED**

- b) Where bids are received in response to a bid solicitation but exceed budget, are not responsive to the requirement or do not represent fair market value, a revised solicitation shall be issued in an effort to obtain an acceptable bid unless Subsection (b) applies
- c) The Council may waive the need for a revised bid solicitation and instruct the Clerk to enter negotiations with the lowest compliant bidder or the highest compliant bidder for a revenue-driven bid selection emanating from a bid solicitation under the following circumstances:
 - (i) the total cost of the lowest compliant bid is in excess of the funds appropriated by Council for the project or the divisional highest responsive bid revenue is less than that made in appropriate accounts in the Council approved divisional estimates, and
 - (ii) the Council and Department Head agree that the changes required to achieve an acceptable bid will not change the general nature of the requirement described in the bid solicitation.
- d) The method of negotiation shall be those accepted as standard negotiating procedures that employ ethical practices.
- e) If two equal bids are received, a means of breaking the tie consistent with the provisions of the solicitation shall be employed.
- f) Factors to be considered in breaking the tie include:
 - (i) prompt payment discount,
 - (ii) when delivery is an important factor, the bidder offering the best delivery date be given preference,
 - (iii) a bidder in a position to better after sales service, with a good record in this regard, be given preference,
 - (iv) a bidder with an overall satisfactory performance record be given preference over a bidder known to have an unsatisfactory performance record.

3. GUARANTEES OF CONTRACT EXECUTION AND PERFORMANCE

- b) The Council may require that a bid be accompanied by a Bid Bond or other similar security to guarantee entry into a contract.
- c) In addition to the security referred to in Subsection (a) above, the successful supplier may be required to provide;
 - (i) a Performance Bond to guarantee the faithful performance of the contract, and/or
 - (ii) a Payment Bond to guarantee the payment for labour and materials to be supplied in connection with the contract.
- d) The Council and Department Head shall select the appropriate means to guarantee execution and performance of the contract. Means may include one or more of, but are not limited to, financial bonds or other forms of security deposits, provisions for liquidated damages, progress payments, and holdbacks.
- e) Prior to commencement of work and where deemed appropriate, evidence of Liability Insurance Coverage satisfactory to the Department Head must be obtained, ensuring indemnification of the Village of Burk's Falls from any and all claims, demands, losses, costs or damages resulting from the performance of a supplier's obligations under the contract.
- f) Prior to final payment to a supplier, a Certificate of Clearance from the Workplace Safety and Insurance Board shall be obtained, when appropriate, ensuring all premiums or levies have been paid to the Board to date.
- g) The Department shall ensure that the guarantee means selected will;
 - (i) not be excessive but sufficient to cover financial risks to the Village;
 - (ii) provide flexibility in applying leverage on a supplier so that the penalty is proportional to the deficiencies, and
 - (iii) comply with provincial statutes and regulations.
- h) Financial bonds for contract performance shall only be required where the Village will be exposed to costs if the contractor does not complete the requirements of the contract.
- i) If the risk to the Village is not adequately limited by the progress payment provisions of the contract, a minimum payment hold back of 10% shall be mandatory on all contracts exceeding \$ 40,000.00.*

4. IRREGULARITIES CONTAINED IN BIDS

- b) The process for administering irregularities contained in bids pertaining to all contracts shall be as set out in Schedule "A".
- c) For an irregularity listed in the first column of Schedule "A", the response applicable to it is set out opposite to it in the second column.

5. CONTRACTUAL AGREEMENT

- b) The award of contract may be made by way of an agreement, or as a Purchase Order.
- c) A Purchase Order may be used when the resulting contract is straightforward.
- d) A formal agreement is to be used when the resulting contract is complex and will contain terms and conditions.

6. EXERCISE OF CONTRACT RENEWAL OPTIONS

- b) Where a contract contains an option for renewal, the Council may authorize the Department Head to exercise such option provided that;
 - (i) the supplier's performance in supplying the goods, services or construction is considered to have met the requirements of the contract;
 - (ii) the Council and Department Head agree that the exercise of the option is in the best interest of the Village; and
 - (iii) funds are available in appropriate accounts within the Council approved estimates including authorized revisions to met the proposed expenditure.
- c) The request to Council to exercise contract renewal options shall include a written explanation as to why the renewal is in the best interest of the Village, include comment on the market situation and trend, and the report be approved by resolution of Council.

7. CONTRACT AMENDMENTS AND REVISIONS

- b) No amendment or revision to a contract shall be made unless the amendment is in the best interest of the Village.
- c) No amendment that changes the price of a contract shall be agreed to without a corresponding change in requirement or scope of work.
- d) Amendments to contracts are subject to the identification and availability of sufficient funds in appropriate accounts within Council approve divisional estimates including authorized revisions.
- e) The request to Council to amend a contract shall be written with an explanation as to why the amendment is in the best interest of the Village and the amendment be approved by resolution of Council.

8. EXECUTION AND CUSTODY OF DOCUMENTS

The Clerk is authorized to execute all agreements in the name of the Village of Burk's Falls and shall be responsible for the safeguarding of original purchasing and contract documentation for the contracting of goods, services or construction for which the award is made.

9. TERM OF COUNCIL

Where a contract may extend beyond the term of the Council, the contract shall contain provisions to minimize the financial liability of the Village should the subsequent Council not approve sufficient funds to complete the contract and the contract must be terminated by the Village.

10. SURPLUS STOCK

- b) Department Head shall report to Council, in writing, a list of any furniture, vehicles, equipment, stocks of supplies, and other goods and material, which are no longer used or which have become obsolete, worn out, or incapable of being used, and the Department Head wishes to dispose of.
- c) Disposal of any items shall be approved by Council by resolution.

PART VII - OTHER

1. ACCESS TO INFORMATION

The disclosure of information received relevant to the issue of bid solicitations or the award of contracts emanating from bid solicitations shall be made by the appropriate officers in accordance with the provisions of the Municipal Freedom of Information and Protection of Privacy Act, as amended.

2. BY-LAW REVIEW

This By-law shall be reviewed by Council as soon as possible following a municipal election.

3. EFFECTIVE DATE

This By-law shall come into force and take effect on the date of passing.

**READ THREE TIMES AND PASSED IN OPEN COUNCIL THIS 21ST DAY OF
DECEMBER, 2004.**

REEVE, RON RUSSELL

CLERK, JARVIS W. OSBORNE

Seal