

## **THE CORPORATION OF THE TOWNSHIP OF CLEARVIEW**

### **BYLAW #17-20**

#### **A BYLAW TO ESTABLISH POLICIES FOR THE PROCUREMENT OF GOODS AND SERVICES AND THE DISPOSAL OF SURPLUS GOODS**

**WHEREAS** the Municipal Act required the adoption of a Procurement Bylaw by all municipalities before January 1, 2005;

**AND WHEREAS** the Council of The Corporation of the Township of Clearview recognizing its responsibility for the effective utilization of all its resources, is desirous of codifying sound policies for the purpose of procuring goods and services in a manner that is congruent with and fulfills delivery of services to the residents of the Township;

**AND WHEREAS** the Township desires to ensure objective and equitable treatment of all vendors and purchasers;

**AND WHEREAS** the Township passed a Procurement of Goods and Services and the Disposal of Surplus Goods Bylaw #14-65 on September 8, 2014 which this Bylaw shall replace;

**AND WHEREAS** the Township desires to amend the wording of Procurement Bylaw #14-65 to change the way that items under \$500 are disposed;

**NOW THEREFORE** the Council of The Corporation of the Township of Clearview enacts as follows:

#### **BYLAW TITLE AND REPEAL**

This Bylaw may be known and cited for all purposes as the "Township of Clearview Procurement of Goods and Services and the Disposal of Surplus Goods Bylaw #17-20."

This Bylaw replaces Bylaw #14-65 which is hereby repealed.

#### **PART I – DEFINITIONS**

1) In this By-law,

- a) "Acquisition Method" means the process by which goods and services are procured;

- b) "Annual Aggregate Value" means the total amount anticipated to be spent annually by all departments on a particular type of goods or services;
- c) "Bid" means an offer or submission received from a vendor, contractor or consultant in response to a request, which may be in the form of a Request for Quotation or a Request for Proposal and which offer or submission may be subject to acceptance or rejection;
- d) "Bid Request" means a formal request for bids or a solicitation, which shall be in the form of a Request For Tender;
- e) "Blanket Purchase Order" means a Purchase Order which establishes prices or a method for determining prices, terms and conditions and the period of time during which a vendor agrees to provide goods or services to the purchaser upon the purchaser's demand;
- f) "CAO" means the Chief Administrative Officer of the Corporation or Designate;
- g) "Clerk" means the Clerk of the Corporation or Designate;
- h) "Competitive Method" means an Acquisition Method where vendors are given an equal opportunity to submit bids in accordance with Township policy and procedures;
- i) "Contract" means an agreement approved by Township Council;
- j) "Council" means the Municipal Council of the Corporation;
- k) "Designate" means the person or persons assigned the duties and responsibilities on behalf and in absence or incapacity of the person charged with the principal authority to take the relevant action or decision.
- l) "Emergency" means a situation where the immediate acquisition of goods or services is essential to prevent serious delays, injury, further damage or to restore or maintain minimum service and protect the environment or supply of safe drinking water;
- m) "Emergency Method" means a procurement process where the usual competitive acquisition rules are suspended due to the prevailing emergency circumstances;
- n) "Goods and Services" includes labour, supplies, materials, equipment and services of every kind;



- o) "Local Boards" means any management board or committee appointed by Council to oversee the operation of any Township facility (i.e. Library, Community Centre, Cemetery, etc.)
- p) "Lowest Acceptable Bid" means the lowest price submitted which meets the requirements and specifications as set out in the bid or bid request, minor deviations excepted;
- q) "Manager" means the head of a department or service area as outlined in the Township's organization chart or his or her Designate;
- r) "Negotiation Method" means an Acquisition Method whereby the Township may confer with one or more vendors leading to an agreement on needed goods or services under the conditions outlined in this by-law;
- s) "Procure" means to acquire by purchase, rental, lease or trade;
- t) "Purchase Order" means a written offer to procure goods and services or a written acceptance of an offer to acquire goods and services made on the Township's form;
- u) "Request for Information" means a written request for details on a vendor's background and the goods or services they are offering, such information shall be used to pre-qualify vendors to be invited to submit bids;
- v) "Responsible" means a bidder or offerer who is deemed to be fully technically and financially capable of supplying the goods or services requested in the solicitation.
- w) "Responsive" means a bidder or offerer who correctly and completely responds to all of the significant requirements outlined in the solicitation.
- x) "Sole Source" means there is only one source of supply of particular goods or services;
- y) "Township" means The Corporation of the Township of Clearview.
- z) "Treasurer" means the Treasurer of the Corporation or Designate.
- aa) "Vendors on Record" means all vendors which have requested their company name be placed on our list of potential vendors.

## **PART II – PURCHASING PRINCIPLES**

- 2) The Township's purchasing principles are as follows:

- 1) To procure the necessary quality and quantity of goods and services in an efficient and cost effective manner;
- 2) To encourage the most open bidding process practicable for the acquisition and disposal of goods and services;
- 3) To consider the total ultimate cost of acquisition, repair, maintenance, staff training, operation and disposal rather than only the lowest invoice price;
- 4) To give full consideration to the annual aggregate value of specific goods or services that will be required by each Department and by the Township as a whole prior to determining the appropriate acquisition method;
- 5) To give consideration to commitments for goods and services of periods longer than one year where such is cost effective, but not to exceed five (5) years;
- 6) To consider the total project cost of an undertaking prior to determining the appropriate acquisition method;
- 7) To procure necessary goods and services with due regard to the preservation of the natural environment, to encourage vendors to supply goods made by a method resulting in the least damage to the environment and to encourage vendors to supply goods incorporating recycled materials where practicable;
- 8) To procure the necessary goods and services having regard to the accessibility for persons with disabilities to the goods and services; and,
- 9) To ensure all laws, rules and regulations pertaining to public procurement shall be respected including, but not limited to, The Ontario/Quebec Procurement Agreement.

### **3) ACCESSIBILITY OBLIGATIONS IN PROCUREMENT**

The Township is committed to meeting its obligations under the *Human Rights Code* and the regulations established under the *Accessibility for Ontarians with Disabilities Act (AODA), 2005*.

Township staff are required to incorporate accessibility criteria and features when procuring or acquiring goods, services, self-service kiosks or facilities, including written materials, web content and the delivery of programs, except where it is not practicable to do so. Furthermore, whenever possible, the purchase of goods and services shall be based on the principles of universal design.



Where it is impractical for Clearview Township to incorporate accessibility criteria and/or features when procuring or acquiring specific goods, services and facilities, the purchaser will provide a written explanation upon request.

When applicable, procurement documents will specify that the contractor/vendor must adhere to the Township's accessibility policies to ensure appropriate interaction with people with disabilities and accessible delivery of service.

#### **Responsibilities when preparing Procurement Documents**

When applicable, Township staff will specify, in the procurement document, the desired accessibility criteria to be met and provide guidelines for the evaluation of the proposal in respect of the appropriate criteria.

For acquisition of services, where contractors/consultants will be interacting with the public on the Township's behalf, or influencing the development of policies, practices and procedures, Township staff will include a clause in the procurement document stating that successful bidders/proposals will be required to comply with the training requirements of the Accessibility Standards under the AODA.

#### **Accessibility training required by Contractors**

The Accessibility for Ontarians Act, 2005 (AODA) Customer Service Standard and Integrated Accessibility Standard Regulation applies to all contractors and their employees dealing with the public or third parties on behalf of Clearview Township, as well as contractors who participate in the development of Township policies, practices or procedures governing the provision of goods and services to members of the public. Under this provincial legislation, contractors must ensure that people performing this work are trained in the AODA Customer Service Standard and the Integrated Accessibility Standards Regulation.

The manager responsible for the acquisition of services will ensure that the external contractor receives a copy of the Township's corporate accessibility policy and that the external contractor formally acknowledges the Township's expectations for accessible customer service and compliance with the Integrated Accessibility Standards Regulation by signing the acknowledgement document (**Contractor Accessibility Agreement**).

### **PART III – GENERAL**

- 4) Council has the sole authority to allocate funds for Township purposes and to approve Township programs. Every purchase shall be authorized by Council annually through the budget process and adoption thereof, with exception of purchases required for emergency situations.

- 5) It is the responsibility of the Department Manager to ensure that adequate funds are budgeted and available and that the expenditure for goods and services are properly approved. If in doubt that adequate funds are available, the Treasurer should be consulted.
- 6) Operating expenditures required, prior to the approval of the annual budget, may be authorized by the Department Manager up to 50% of the previous year's budget with the exception of mandatory expenses and services which may exceed this 50% restriction after consultation with the Treasurer.
- 7) All acquisitions made by the Township shall be carried out in accordance with this By-law, other By-laws and Township policies and principles established from time to time.
- 8) No expenditure, debt or commitment shall be incurred or made and no account shall be paid by the Township for goods or services, except as authorized in accordance with this By-law or approved by Council.
- 9) The Township shall be under no obligation to accept the lowest bid or any bid received in response to a verbal or written request.
- 10) Council may remove a vendor's name from consideration for a bid or contract under this By-law for a period of up to two years on the basis of documented poor performance or non-performance or is currently involved in any litigation with the Township with respect to any previous contract.

#### **PART IV – POWERS OF TREASURER**

- 11) The Treasurer is hereby authorized to pay for any supplies and services purchased by the Department Managers in accordance with this by-law, upon receipt of a supplier's invoice or request for payment endorsed by the Department Manager or Designate, acknowledged receipt of the goods and services on behalf of the Corporation and a purchase order number when required.
- 12) The Treasurer is hereby authorized to pay for any goods and services listed on Schedule "A" Exceptions) to this by-law. The Treasurer may require the Department Manager or Designate to endorse the receipt, the price thereof and the appropriate account to be charged.
- 13) The Treasurer is hereby authorized to provide any required deposit for goods, supplies or services of a unique nature.



## **PART V – FORMS OF COMMITMENT**

14) The following commitments may be made on behalf of the Corporation:

a) Up to \$10,000.00

Expenditures of \$10,000.00 or less may be authorized by a Department Manager, provided the appropriate Acquisition Method has been followed.

b) \$10,001.00 to \$30,000.00

Expenditures over \$10,000.00 to \$30,000 shall be made by the Department Manager provided that the appropriate Acquisition Method has been followed to select the vendor(s) and the acquisition has been approved by the Treasurer.

c) \$30,001.00 to \$100,000.00

Expenditures over \$30,000.00 to \$100,000.00 shall be made by the Department Manager provided that the appropriate Acquisition Method has been followed to select the vendor(s) and the acquisition has been approved by the Treasurer and CAO.

d) \$100,000.00 and Over

Except as otherwise directed by Council, all expenditures of \$100,000.00 and over shall be by contract and approved by Council and executed on behalf of the Township by its proper signing officers.

15) All Blanket Purchase Orders shall have an expiry date and may only be issued by the Treasurer.

## **PART VI – METHODS OF ACQUISITION**

16) DIRECT SALES METHOD

a) Notwithstanding any other provisions of this By-law, the acquisition of the items listed in Schedule "A" shall be subject to applicable policies and procedures established from time to time:

b) Up to \$5,000

The acquisition of goods and services having a value of \$5,000.00 or less, which are not covered by a blanket purchase order, shall be carried out by the Department Manager in accordance with the principles set out in this By-law.

17) COMPETITIVE METHODS

a) \$5,001.00 to \$10,000.00

For the acquisition of goods and services with value of over \$5,000.00 to \$10,000.00 at least two and preferably three written or verbal bids shall be solicited and the acquisition approved by the Department Manager.

b) \$10,001.00 to \$30,000.00

For the acquisition of goods and services with value of over \$10,000.00 to \$30,000.00 at least three written bids shall be solicited and the acquisition approved by the Department Manager in consultation with the Treasurer. Where the Treasurer is the manager, the CAO must be consulted. If a third bid cannot be obtained, the CAO in consultation with the Mayor may approve a two bid method.

c) \$30,001.00 to \$100,000.00

For the acquisition of goods and services with a value of over \$30,000.00 to \$100,000.00 the Department Manager shall follow the formal quotation procedures as outlined in Schedule B and the acquisition approved by the Department Manager in consultation with the Treasurer and CAO. Where the Treasurer is the manager, a manager other than the Treasurer must be consulted. If a third bid cannot be obtained, Council may approve a two bid method.

d) \$100,000.00 AND OVER

For the acquisition of goods and services with an estimated value over \$100,000.00 the Department Manager shall follow the formal tendering procedures as outlined in Schedule "C".

18) REQUEST FOR PROPOSAL METHOD

a) This method will be used for obtaining unique proposals designed to meet broad outcomes to a complex problem or need for which there is no clear or single solution.

b) Requesting Proposals

- i. Requests for proposals should be called when the requirements or services cannot be definitely specified.
- ii. Requests for proposals shall be by invitation and at the discretion of the Department Manager, by public advertising in a local newspaper.
- iii. At the Department Manager's discretion, requests for proposals may also be advertised in trade or special newspapers.



- iv. The procedures followed will be similar to those outlined for Formal Quotations in Schedule B.
- v. If as a result of queries from prospective bidders, the document requesting the proposal needs to be revised, each prospective bidder shall be notified of the revision by telephone and subsequently facsimile or mail. If a proposal has already been submitted, the bidder may in writing request that the proposal be withdrawn. The proposal will then be returned unopened to the bidder by hand or registered mail.

#### NEGOTIATION METHOD

- 19) Notwithstanding any other provisions of this By-law, the CAO and the Department Manager may enter into negotiations with one or more vendors for the supply of goods or services when any of the following conditions exist:
- a) due to market conditions goods or services are in short supply;
  - b) there is only one source of the subject goods or services;
  - c) two or more identical acceptable low bids have been received;
  - d) efforts at breaking identical bids have previously been unsuccessful and the same goods or services are required again;
  - e) all acceptable bids exceed the amount budgeted for the goods or services;
  - f) all bids received are not acceptable;
  - g) the extension or reinstatement of an existing contract would be more cost effective or beneficial to the Township;
  - h) a particular vendor is being recommended because it is more cost-effective or beneficial;
  - i) when it is necessary to ensure compatibility with existing products or to avoid violating warranty and/or guarantee requirements when service is provided; or
  - j) when authorized by Council.
- 20) Where the negotiation method set out in Section 19 is used to select a vendor of goods or services, except professional and consulting services, with a value of at least \$50,000.00 or where the extension of an existing contract exceeds ten percent (10%) of the original contract value, the CAO and the requisitioning Department Manager shall submit a report to Council prior to the

award of the contract setting out the circumstances for recommending the award.

#### PROFESSIONAL AND CONSULTING SERVICES METHODS

21)

- a) Appointment of Auditing, Engineering, Legal and Planning Firms for general matters of the Township shall be by By-law for a term not exceeding five (5) years. A report for appointment or reappointment will be presented to Council for consideration. A report on reappointment will be presented not less than ninety days prior to the end of the current appointment.
- b) Any existing agreements or appointments will continue in force for a term not to exceed five (5) years following the passing of this bylaw.
- c) Notwithstanding parts (a) and (b) above, professional and consulting services pertaining to major projects, that require certain expertise, may be tendered upon the approval of Council.

22) When professional and consulting services are required with a value over \$5,000.00, other than appointed firms, Council approval must be obtained. For professional and consulting services of \$5,000.00 or less, the Department Manager may authorize the expenditure provided the amount required has been budgeted.

#### EMERGENCY METHOD

23) Notwithstanding any other provision of this By-law, where an emergency exists:

- a) The Department Manager is authorized to obtain necessary goods or services with a value of less than \$15,000.00 by the most expedient and economical means;
- b) The Department Manager is authorized to obtain necessary goods or services having a value of \$15,000.00 or more by the most expedient and economical means upon the approval of the Treasurer. The Department Manager shall submit a report to Council at its next meeting explaining the circumstances giving rise to the emergency.
- c) The Department Manager, in extreme emergency situations, is authorized to obtain the necessary goods and services having a value exceeding \$15,000 and without the Treasurer's authorization if such goods and services will avoid a major environmental, structural, health or safety problem.



## **PART VII - METHOD OF PAYMENT**

24)

- a) A purchase of a value less than \$100.00 may be made by authorized employees of the Township, with the issuance of a **petty cash voucher**. Petty cash vouchers shall include the following information:
  - i. His/her name.
  - ii. Date monies are required.
  - iii. Amount of monies required.
  - iv. Item for which monies are required.
  - v. Purpose of the item(s).
- b) The Corporate Purchasing Card Program may be used by authorized employees to acquire goods and services as set out in the Corporate Purchasing Card Program Policy outlined in Schedule "D". Should the Corporate Purchasing Card not be appropriate, such as vendors not respecting usual discounts, the Department Manager must obtain approval from the Treasurer for the acquisition of goods and services other than those stipulated on Schedule "A" to the By-law.
- c) Payment of all goods and services, other than by petty cash or corporate purchasing card, shall be by corporate cheque.

## **PART VIII – REPORTS TO COUNCIL**

- 25) In addition to the other reporting requirements set out in this By-law, a report shall be submitted to Council by the Department Manager and approved by the CAO prior to expenditure when:
- a) the acquisition has a value over \$100,000.00;
  - b) the acquisition has a value over \$10,000.00 and the lowest acceptable bid is not being recommended; and
  - c) the form of commitment is other than a standard form contract.

## **PART IX – DISPOSAL OF SURPLUS GOODS**

- 26) On an ongoing basis, all Departments shall identify goods which become surplus to their needs. Lists of such surplus goods shall be submitted to the Treasurer.
- 27) The Treasurer shall have authority to sell, exchange or otherwise dispose of all goods declared to be surplus to the Township's needs where it is cost effective

and in the Township's best interests to do so and shall be undertaken in conformance with Schedule "E" attached hereto.

- 28) Where it is estimated that the value of any disposition shall exceed 10,000.00, the Treasurer shall submit a report to Council prior to the disposition.

#### **PART X – PROHIBITIONS**

- 29) The following activities are prohibited:

- a) the division of contracts to avoid the requirements of this By-law;
- b) purchase by the Township of any goods or services for personal use by or on behalf of any Township employee or elected official or their families without the approval of Council;
- c) the bid or purchase of any surplus goods by the Township employee or by a member of an employee's immediate family if that Township employee:
  - i. is working at an auction run by the Township for the disposal of surplus goods;
  - ii. was responsible for declaring the goods surplus to the Township's needs; or
  - iii. is otherwise involved in the disposal of goods surplus to the Township's needs.

#### **PART XI– TOWNSHIP INSURANCE INCLUDING EMPLOYEE GROUP INSURANCE**

- 30) An annual review of premium of all policies will be undertaken by the Treasurer and CAO to ensure they are consistent with market trends. If the premiums are found to be inconsistent, a proposal for insurance may be solicited.

#### **PART XII – IN-HOUSE BIDDING**

- 31) It is the Township's policy to evaluate staff's ability to deliver services in an efficient and effective manner prior to considering a public procurement process. Thus, during a public procurement process, in-house bids will not be considered.



### **PART XIII – COOPERATIVE VENTURES**

- 32) The Township may participate with other government agencies or public authorities in cooperative acquisition ventures where it is in the best interests of the taxpayer to do so and may follow the procedures set out by the agency responsible for the venture.

### **PART XIV – LOCAL BOARDS**

- 33) Local Boards appointed by the Township will be subject to the provisions of this by-law. The procurement of all goods and services shall be approved through an annual budget process by the Local Board members.
- 34) For Local Boards, Part VI – Methods of Acquisition limits will pertain to the procurement of non-voluntary goods and services only and any reference to Department Manager shall mean the Local Board executive or its assigned designate.
- 35) Notwithstanding the foregoing, the Library Board has adopted its own procurement policy. Where its policy is silent this bylaw shall prevail.
- 36) Any voluntary services or donated goods should comply with all legislated requirements and Municipal standards;
- 37) All expenditures of the Local Board will be subject to an annual review by the Township Auditors.

### **PART XV – COMPLIANCE**

- 38) Any Township employee who willfully and knowingly acquires or disposes of any goods or services for the Township in contravention of any section of this By-law, as amended from time to time, shall be deemed to have committed a breach of the Township's code of conduct and is subject to disciplinary action.

### **PART XVI – BYLAW REVIEW**

- 39) A review of this Bylaw shall be conducted on a periodic basis but not longer than five (5) years following its adoption by Council.
- 40) The review shall determine how effective this Bylaw has been in achieving the goals and objectives set out therein.

### **PART XVII - SCHEDULES**

- 41) Schedules A, B, C, D and E attached hereto shall form and be part of this bylaw.

**PART XVIII – EFFECTIVE DATE**

42) This By-law comes into force and takes effect on the 20<sup>th</sup> day of March, 2017.

**BY-LAW READ A FIRST, SECOND AND THIRD TIME AND PASSED THIS 20<sup>th</sup>  
DAY OF March , 2017.**

Original Signed by:  
Mayor  
Clerk



## **SCHEDULE "A" TO BYLAW 14-65**

### **EXCEPTIONS FROM REQUIREMENT OF PURCHASING PROCESS ("EXCEPTIONS")**

Subject to all applicable Township policies and procedures, a verbal or written bid is not required for the following items unless requested by the requisitioner:

1. Petty Cash Items
2. Training and Education
  - (a) Conferences
  - (b) Courses
  - (c) Conventions
  - (d) Memberships
  - (e) Seminars
  - (f) Periodicals
  - (g) Magazines
  - (h) Staff Training
  - (i) Staff Development
  - (j) Staff Workshops
  - (k) Subscriptions
3. Refundable Employee Expenses
  - (a) Mileage Allowance
  - (b) Meal Allowance
  - (c) Travel Expenses
  - (d) Miscellaneous – Non-Travel
  - (e) Hotel Accommodation
4. Employer's General Expenses
  - (a) Payroll Deduction Remittances
  - (b) Medical and Dental Expenses
  - (c) Licenses (vehicles, elevators, radios, etc.
  - (d) Debenture Payments
  - (e) Grants to Agencies
  - (f) Petty Cash Replenishment
  - (g) Tax Remittances
  - (h) Charges to or from other government bodies or Crown Corporations
  - (i) Employee Income
  - (j) Real Property including Land, Buildings, Leasehold Interests, Easements, Encroachments and Licenses
  - (k) Bank Charges and Underwriting Services where covered by Agreements

5. Professional and Special Services

- (a) Legal Fees
- (b) Consulting Engineering Fees
- (c) Planning Consulting Fees
- (d) Committee Fees
- (e) Witness Fees
- (f) Honoraria
- (g) Arbitrators
- (h) Appraisers
- (i) Legal Settlements
- (j) Audit Fees
- (k) Insurance

6. Utilities

- (a) Postage
- (b) Water and Sewage Charges
- (c) Hydro
- (d) Gas
- (e) Telephone Service Charges
- (f) Cable Television Charges
- (g) Internet Access Charges

7. Township Owned Vehicles

- (a) Emergency Repairs
- (b) Unleaded gas or diesel fuel (while on the road)



## **SCHEDULE "B" TO BYLAW 14-65**

### **VERBAL QUOTATION PROCEDURES**

1. The goal of this procurement process is to obtain competitive pricing in an expeditious and cost effective manner through phone, fax, email or other similar communication methods, vendor advertisements or vendor catalogues.
2. Department Managers shall document and retain on file details of the quotes received including the name of the supplier and the quoted amount.

### **FORMAL QUOTATION PROCEDURES**

3. The goal of this procurement process is the same as for Requesting Tenders, except that bid solicitation is done primarily on an invitational basis from a pre-determined bidders list.
4. The Department Manager shall be responsible to prepare the formal quotation documents. These documents shall provide clear instructions, specifications, terms and conditions of the contract.
5. The following term shall be included within the formal quotation documents:
  - (a) "The Corporation reserves the right to reject any or all quotations and the lowest or highest bid, as the case may be, will not necessarily be accepted."
  - (b) Notwithstanding and without restricting the generality of the statement immediately above, the Township of Clearview shall not be required to award or accept a quotation:
    - (i) when only one bid has been received as the result of a quotation call;
    - (ii) where the lowest responsive and responsible bidder substantially exceeds the estimated or budgeted cost of the goods or service;
    - (iii) when all bids received fail to comply with the specifications of quotation terms and conditions, and it is impractical to recall quotations.
6. The invitation for formal quotations, if not done on an invitational basis, will be advertised on the Township's web site and/or in local newspapers at least ten days preceding the closing date for quotations.

SCHEDULE B continued

7. Every formal quotation received by the Department Manager shall be noted with the date and time received.
8. No quotation shall be considered unless:
  - (a) it is received prior to or at the closing time and place stipulated in the formal quotation documents; and
  - (b) any required formal quotation deposit is enclosed or has been previously submitted; and
  - (c) any other precedent conditions set out in the formal quotation documents have been fulfilled.
9.
  - (a) The Department Manager shall determine the amount and form of quotation deposit required.
  - (b) Where a formal quotation has been accepted, the Department Manager shall forthwith arrange the return of any quotation deposits to the unsuccessful bidders.
  - (c) The Treasurer shall retain the formal quotation deposit of the successful bidder until the contract has been executed and all required documents have been received.
  - (d) The formal quotation deposit shall be forfeited to the Township where any successful bidder fails to execute the contract or furnish any required documents within ten calendar days or as specified within the quotation document after notice to them to do so, or where any bidder withdraws their quotation after the quotations have been opened.
10. The Department Manager shall attempt to obtain a minimum of three bidders per formal quotation where possible.
11. The Department Manager shall prepare a list of all quotations.
12.
  - (a) The Department Manager, in consultation with the Treasurer and CAO, is authorized to award contracts to the lowest responsive and responsible bidder.
  - (b) In determining the responsive and responsible bidder, the Department Manager shall consider the factors set out in Section 23 of Schedule "C" hereto.
13. If two or more low formal quotations are submitted in the same amount, the Department Manager shall prepare and file with the Treasurer a report on



the method by which the Department Manager is recommending to award the contract and seek the approval of the Treasurer.

14. Neither the acceptance of a formal quotation or the award of the formal quotation shall be binding on the Corporation until a written notification has been approved by the Department Manager or a contract is executed by the Mayor and Clerk.

## **SCHEDULE "C" TO BYLAW 14-65**

### **FORMAL TENDERING PROCEDURES**

1. The goal of this procurement process is to implement an effective objective, fair, open, transparent and efficient process for obtaining competitive bids based on precisely defined requirements for which a clear or single solution exists.
2. The call for tenders shall be advertised on the Township's web site and/or be placed in a local newspaper or major construction trade publication at least ten calendar days preceding the closing date for tenders. Tenders may also be solicited by written invitation to vendors on record enclosing a copy of the tender documents.
3. The advertisement shall contain the following:
  - (a) the name of the Corporation,
  - (b) the tender number,
  - (c) a general description of the tender complete with securities required,
  - (d) the official designated to receive bids,
  - (e) the time and date of closing, and any mandatory bidder's meetings or site visits,
  - (f) the location of the performance of the contract,
  - (g) the location where plans and specifications may be obtained,
  - (h) the administrative fee, if any, for tender documents,
  - (i) a statement that the lowest or any tender will not necessarily be accepted,
  - (j) fax number for vendor inquiries.
4. The relevant Department Manager shall direct the preparation of the tender documents. These documents shall provide clear instructions, specifications, terms and conditions of the contract. These documents must then be reviewed by the Treasurer.

The Corporation may charge an administrative fee to Bidders for issuance of tender documents.

5. (1) The tender documents shall include the following:



- (a) the tender envelope or technological equivalent,
  - (b) the tender form,
  - (c) terms and conditions of the specific tender as well as the Township of Clearview Standard Terms and Conditions document,
  - (d) special provisions where applicable,
  - (e) specifications,
  - (f) evaluation criteria (if any).
- (2) Tender documents for construction contracts may, in addition to the above, also include:
  - (a) drawings and plans,
  - (b) agreement,
  - (c) contract security requirements (tender deposits, bonding requirements etc),
  - (d) evidence of good standing with the Workplace Safety and Insurance Board,
  - (e) liability insurance and certificates in accordance with the Ontario Provincial Standards specification,
  - (f) Occupational Health and Safety Policies,
  - (g) Contractors accessibility policies for persons with disabilities.
- 6. A standardized tender envelope or technological equivalent shall be provided to all bidders and shall provide the following:
  - (a) name and address of the Corporation,
  - (b) the official designated to receive the tenders,
  - (c) the closing date and time,
  - (d) the tender number, and
  - (e) the name or general description of the tender.

7. (1) A standardized tender form shall be provided to all Bidders and shall require the following:
  - (a) a statement by the Bidder that the Bidder has reviewed and understands the tender documents and that the Bidder is capable of and willing to perform the requirements of the contract and enter into a legal agreement with the Corporation in regard thereto,
  - (b) an execution by the Bidder – where the tender is submitted by a corporation, it shall be signed by the duly authorized officer or officers who have the authority to bind the company, or in the case of partnership, by all signing partners.
  - (c) irrevocable period of the tender response.
- (2) The time limit for signing the contract shall be clearly stated.
8. The following terms shall be included on every tender form:
  - (1) “The Corporation reserves the right, in its sole discretion, to reject any or all bids, and the lowest or highest bid, as the case may be, will not necessarily be accepted.”
  - (2) Notwithstanding and without restricting the generality of the statement immediately above, the Township of Clearview shall not be required to award or accept a tender, and may choose to either cancel the call for tenders or recall the tenders at a later date:
    - (a) when only one bid has been received as the result of a tender call;
    - (b) where the lowest responsive and responsible bidder substantially exceeds the estimated cost of the goods or service;
    - (c) when all bids received fail to comply with the specifications of tender terms and conditions;
    - (d) when a change in the scope of work or specifications is required.
9. Bidder inquiries should be faxed by the Bidder to the applicable Department Manager.
10. The Department Manager shall provide the tender documents or technological equivalent upon every request accompanied by payment of any required fee thereto.



11. Tenders shall comply with the following minimum conditions. A Bidder's failure to comply with any of these conditions shall result in disqualification of the tender.
  - (a) The tender form or format supplied by the Corporation shall be used.
  - (b) A tender must be received by the Clerk at the appropriate location on or before the closing date and time.
  - (c) All tenders must be legible and written in ink or typewritten.
  - (d) Tenders and Adjustments to tenders submitted by telephone, facsimile transmission or e-mail, shall not be considered. A Bidder wishing to make adjustments to a submitted tender must supercede it with a subsequent tender or letter enclosed in a tender envelope or equivalent received on or before the closing date and time.
  - (e) All tender forms must be duly executed as required.
  - (f) All required documents, such as agreements to bond or tender deposits, shall be enclosed in the same tender envelope as the tender.
  - (g) All tender envelopes or technological equivalent shall be sealed or secured.
  - (h) The tender deposit shall be in the form specified in the tender documents. Where a deposit cheque is required, it must be certified or a bank/trust company draft.
  - (i) All mandatory requirements stipulated in the Township's Request for Tender document must be met.
12. The Tender Opening Committee or Council shall reject a tender if:
  - (a) all items have not been bid, where stipulated, with the unit price for every item clearly shown;
  - (b) alternative tenders have been submitted where not requested in the tender documents;
  - (c) the tender has been qualified by additions or alterations to the tender form, where not requested in the tender documents;
  - (d) the tender envelope supplied by the Corporation has not been used unless the bidder gives an acceptable reason at time of submission;

- (e) erasures, strikeouts, or over-writing have not been initialed by the signing party;
- (f) it contains a mathematical error except in the case where unit price corrections are outlined in the tender document;
- (g) an insufficient bid/contract security has been submitted.

### **TENDER DEPOSITS**

- 13. (a) Where tender deposits are required, the Treasurer shall determine the form of deposit.
- (b) In cases where the amount of the contract is not likely to represent the importance or extent of the contract, the Treasurer may increase or decrease the amount of tender deposit otherwise required or not request a deposit.
- (c) The Treasurer shall retain, in safe-keeping, the deposits of the three lowest tenders until an award has been determined, accepted, and a contract executed. All other tenders deposits will be returned forthwith.
- (d) Should a tender not be awarded, the Treasurer shall forthwith arrange the return of tender deposits to the Bidders.
- (e) The tender deposit may be used to mitigate costs or damages to the Corporation where a successful Bidder fails to execute the contract or furnish any required documents within ten calendar days or as specified within the tender documents after notice to him to do so, or where a Bidder withdraws his tender after tenders have been opened.

### **ADDENDA, EXTENSION OF TIME AND CANCELLATION**

- 14. (a) Where it is deemed necessary by the Department Manager to revise the tender documents, an addendum shall be forwarded to every person who obtained tender documents for the contract. The addendum shall be attached to all tender forms not yet distributed.
- (b) Where an addendum is prepared too late to allow notification by mail, every person who obtained tender documents for the contract shall be notified by telephone, facsimile, or technological equivalent.
- 15. (a) Where it is deemed necessary by the Department Manager to extend the closing date, an advertisement setting out the extension may be inserted in the electronic medium or publication in which the original



advertisement appeared, and every person who obtained tender documents shall be notified of the extension by telephone, facsimile or technological equivalent and Council shall be advised.

- (b) Where a closing date has been extended, all Bidders shall be advised that any tenders submitted prior to the giving of the extension will be returned upon request.
16. (a) Where it is deemed necessary by the Department Manager to cancel a tender call, an advertisement may be placed in the electronic medium or publication in which the original advertisement appeared stating that the tender call has been cancelled and every person who obtained tender documents shall be notified by telephone, facsimile or technological equivalent of the cancellation and Council shall be advised.
- (b) Where a tender call is cancelled prior to closing, no tenders shall be accepted. All tenders received shall be returned unopened by registered mail with a covering letter.

#### **RECEIVING TENDERS**

17. (a) The Clerk shall provide a secure place for the safekeeping of tenders.
- (b) Every tender envelope received shall be noted with the date and time received and forthwith deposited unopened in the secured place.
  - (c) Tenders received after the closing time shall be returned unopened to the Bidder together with a covering letter. Where no return address is indicated on a late tender envelope, the envelope shall be opened, the address obtained and the tender returned together with a covering letter setting out why the envelope was opened.
  - (d) The Clerk shall maintain a list of all bids received. This list shall remain confidential until the time of tender opening. This list shall be used for recording the tender prices at the tender opening.
  - (e) Should a technological process be available, which would satisfy procedures (a) through (d) above, it may be implemented.

#### **WITHDRAWAL OF TENDERS**

18. (a) A Bidder may withdraw his tender prior to the closing time. Withdrawal requests shall be directed to the Clerk by letter, facsimile, or in person. A withdrawal request made by telephone shall not be considered. All withdrawal requests made in person shall require a written withdrawal request.

- (b) Tender withdrawal requests on behalf of a corporation must be made by an officer of that corporation.
- (c) Tenders withdrawn prior to closing shall be returned unopened to the Bidder.
- (d) The withdrawal of a tender does not disqualify a Bidder from submitting another tender on the same tender call prior to the closing time.
- (e) Withdrawal requests received after the closing time shall not be considered.

#### **TENDER OPENING**

- 19. (a) Tenders shall be opened at a public meeting at a time and location specified in the tender documents.
- (b) The Tender Opening Committee, as defined in the Tender Opening Policy, shall open the tenders.
- (c) Tender envelopes which do not indicate the contract number or the tender's name shall be opened and placed with other tenders for that contract.
- (d) The Manager shall announce for each contract the contract number, the contract description, the tender requirements, the name of the Bidder, and the total amount of the tender.
- (e) Where two or more tenders are submitted in the same tender envelope, the one bearing the lower price shall be considered as the tender.
- (f) Where two or more tenders are submitted by the same Bidder, and no withdrawal request has been received, and where both tenders are identical, only the tender received at the latest time shall be considered.
- (g) Should a technological process be available which satisfies procedures (a) through (f) above, it may be implemented.
- (h) The Tender Committee shall document the tender opening results.

#### **WITHDRAWAL OF TENDER DURING TENDER OPENING**



20.
  - (a) Where more than one contract is opened at the same tender opening, a low responsive and responsible Bidder on a contract may withdraw their tenders on the remaining contract or contracts.
  - (b) The withdrawal shall be accompanied by a signed notice of withdrawal which must be received by the Clerk prior to the reading out of any tenders on the contract to which it applies.
  - (c) The Tender Committee shall not read out the bid amount of a withdrawn tender.
  - (d) Every withdrawal under this section is final.
21. Immediately following the opening of tenders, every tender shall be checked to ensure compliance with the requirements of this schedule.

#### **AWARD OF CONTRACT**

22. A report for Council respecting the award of the contract shall be prepared by the Department Manager and the report shall remain confidential until it is distributed to Council.
23. In considering a contract award, the Department Manager shall recommend that the award of the contract be made to the lowest responsive and responsible Bidder. In determining "responsive and responsible Bidder", the Manager shall consider the following, assuming the bid contains no major irregularities.
  - (a) The Bidder's past record, if any, in performing work on behalf of the Corporation, and the ability, capacity and skill of the Bidder to perform the contract;
  - (b) Whether the Bidder can perform the contract promptly or within the time specified without delay or interference;
  - (c) The quality of performance of previous contracts or services;
  - (d) The sufficiency of the financial resources and ability of the Bidder to perform the contract;
  - (e) The quality, availability and adaptability of the supplies or services to the particular use required;
  - (f) The number and scope of conditions attached to the tender;



- (g) Any other evaluation criteria as indicated in the Request for Tenders document.
- 24.
  - (a) Where any of the tender or deposit requirements have not been met, the tender shall be considered an "Improper Tender".
  - (b) The Department Manager shall note in the written analysis every Improper Tender and shall state the reason the tender is considered improper.
- 25. If two or more low tenders are submitted in the same amount, the Department Manager shall include in the written analysis the method by which the award of the contract is recommended.
- 26. The Department Manager following the approval as required of the award of the contract, shall notify the successful Bidder.
- 27. Where a formal contract is required a bylaw/resolution will be passed by Council giving direction to proceed and it shall be submitted to the successful Bidder for execution.
- 28. As soon as the executed contract and any other required documents are returned to and found acceptable by the Department Manager, the Mayor and Clerk shall sign the tender on behalf of the Township. Tender deposits of the second and third lowest Bidder's shall be returned to them.
- 29.
  - (a) Where a contract has been awarded and the successful Bidder fails to execute the contract or any other required documents within the specified time the Department Manager, with Council approval, may:
    - (i) grant the successful Bidder additional time to fulfill the requirements; or
    - (ii) award the contract to the second lowest Bidder; or
    - (iii) cancel the contract.

**SCHEDULE "D" TO BYLAW 14-65  
POLICY AND PROCEDURES  
PURCHASING CARD SYSTEM**

**1.0 INTRODUCTION**

**1.1 Purpose and Scope**

Notwithstanding Schedule A, the Purchasing Card is to be used for goods and services that can be supplied and received within a maximum period of five (5) working days.

**1.2 Authority**

This policy will provide Department Managers the ability to empower approved employees within their departments or areas of responsibility to use a Purchasing Card to purchase low-dollar value goods and services up to \$3,000.00 per transaction including shipping, handling and taxes.

**1.3 Forms**

Employee Acknowledgment of Responsibilities and Obligations Form (Appendix "A" to this Schedule).

**1.4 Inquiries**

- 1.4.1 Inquiries related to the accounting aspects of this policy should be addressed to the Treasurer.
- 1.4.2 Inquiries related to the purchasing aspects of this policy should be addressed to the Treasurer through the Accounts Payable Clerk.
- 1.4.3 Inquiries relating to any of the following should be addressed directly to the TD Canada Trust Commercial Card Centre
  - a) disputed charges on cardholder billing statement.
  - b) declined authorizations

**2.0 POLICY**

- 2.1 The Treasurer is responsible for the Purchasing Card co-ordination function within the Township.
- 2.2 Each Purchasing Card will have a unique number, and will be issued in the name of the Township of Clearview and the name of the employee who has been authorized to use that card. The card is not transferable to, or to be



used by any other employee for his/her purposes, even if that other employee is authorized to use a Purchasing Card on behalf of the Township.

- 2.3 Department Managers have been delegated purchasing and approval signing authority for low-dollar-value purchases, subject to the applicable minimum signing authorities below:

<u>Expense By:</u>	<u>Signing Authority:</u>
Staff	Department Manager
Department Manager	Chief Administrative Officer
C.A.O.	Treasurer

- 2.4 The Purchasing Card will only be issued to those employees, approved by Department Managers, who occupy positions with delegated low-dollar-value purchasing authority. The Treasurer may authorize a Purchasing Card for the Chief Administrative Officer.
- 2.5 Each card will be assigned an individual prescribed transaction limit in accordance with the needs determined by each Department Manager and the Treasurer.
- 2.6 Each card will also be assigned a monthly credit limit, which cannot be exceeded in any 30 day statement period. The credit limit will be restricted to \$10,000.00. If either of the individual transaction limit or monthly credit limit is exceeded by a transaction, the transaction will be refused by VISA.
- 2.7 Some vendors can be "blocked" from usage in the program. As well as cash advances, the blocking of transactions will be tailored to accommodate the purchasing needs of each individual cardholder. Blocking activity is pre-approved by the Department Manager and Treasurer.

**Removal of any blocks or change of limits will only be approved by the Treasurer. Under no circumstances will any temporary card privileges be allowed.**

- 2.8 Purchasing Cards must not be used:
- a) when the total purchase price exceeds the approved transaction limit of the card, including taxes;
  - b) when the cost of the goods or services would be increased as a result of using the card and an alternative method of payment is available;
  - c) when the vendor is unable to accept the purchase card;



- d) for seminars, conferences or conventions related travel costs including airlines, car rental and restaurant, and any hospitality or entertainment expenses, unless pre-authorized approval is received from the CAO on the card application form or amendment thereof;
- e) for personal vehicles being used on Township business, charges for miscellaneous operating and maintenance expenses including the purchase of parts for the repair of personal vehicles, gas, oil, etc.;
- f) for purchasing goods and services which require special approval, (i.e.: computer hardware/software);
- g) for personal purchases of any kind;
- h) to obtain cash advances;

Note: 1) Cardholders who are not in compliance with the above restrictions will have their card privileges revoked and face disciplinary measures.  
2) The card may be used to release goods within established blanket contracts.

- 2.9 No cardholder may accept cash or a cheque from a vendor who is making a refund pertaining to a transaction previously charged to a Purchasing Card account. A credit voucher must be issued by the vendor in all cases.
- 2.10 Every cardholder shall be informed in writing of his or her responsibilities and restrictions regarding the use of the Purchasing Card and shall agree to them in writing (See Section 3.1 and Appendix "A" of this Schedule). Cardholders will be held liable for any misuse, willful disregard of policies or operating procedures and any fraud or collusion which results in loss of integrity to the Township.
- 2.11 The Purchasing Card carries corporate, not individual liability. A central Visa billing will be paid by Accounts Payable each month. To avoid incurring late charge fees, Accounts Payable will be responsible for making a payment to the Bank on behalf of all cardholders within 21 days following the monthly statement date.

### **3.0 RESPONSIBILITIES**

#### **3.1 The Cardholder is responsible for:**

- a) adhering to all conditions and restrictions imposed on the Purchasing Card by the Township and the TD Canada Trust;

- b) submitting the Employee Acknowledgement of Responsibilities and Obligations form to the Treasurer. (See Appendix "A" of this Schedule).
- c) ensuring that the Purchasing Card and other documents bearing the card number, i.e. Visa charges and credit receipts, are kept in a secure location with controlled access; this information (Visa receipts, etc.) is to be attached to the edit list from the purchasing system for Department Manager approval.
- d) immediately notifying the TD Canada Trust, the Department Manager and the Treasurer of any loss or theft of the card;
- e) returning the card to the Treasurer for cancellation, as appropriate, through the Department Manager;
- f) maintaining a Purchase Register, on a monthly basis, for all purchases made with the Purchasing Card; said register to be signed by the Cardholder and the designated signing authority;
- g) resolving disputed charges with the assistance of the Accounts Payable Clerk, as required;
- h) keeping supporting documentation, (i.e.: cash register and credit card receipts, vendor notices, Purchasing Register, etc), related to all purchases made with the Purchasing card and forwarding same to the Accounts Payable Clerk.
- i) obtaining the required M.S.D.S.'s for all WHMIS controlled products purchased with the Purchasing Card and immediately forward a copy to Health and Safety Committee.
- j) ensuring that all vendors performing service work have the required comprehensive liability insurance, proof of current registration and good standing with the Workplace Safety Insurance Board (WSIB) and comply with the Health and Safety requirements;

**3.2 The Department Managers are responsible for:**

- a) assessing the need for Purchasing Cards based on operational requirements;
- b) identifying the employee(s) who will be authorized to make low-dollar-value purchases through the use of a Purchasing Card;
- c) establishing, with the approval of the Treasurer, the monthly credit limits and transaction limits and merchant blocking for each cardholder;



- d) preparing and submitting the appropriate bank forms and other pertinent information to the Treasurer for the issuance or immediate cancellation of cards, increases or decreases to the approved credit limits, change of address or change in department, or area of responsibility. (See Section 4.3 of this Schedule)
- e) ensuring that each cardholder is informed of his/her responsibilities regarding the use of the Purchasing Card;
- f) ensuring that the use of Purchasing Cards conforms to department and corporate policy and procedures;
- g) monitoring and controlling the utilization of Purchasing Cards within their department or area of responsibility;
- h) reviewing and approving, on a monthly basis, all purchases charged to their budget, subject to the minimum applicable signing authorities see Section 2.3 of this Schedule;
- i) that tax exemptions, i.e. Fire vehicle repairs, are taken at time card is provided to the vendor. The Treasurer has the appropriate Provincial tax exemption certificates.

**3.3 The Accounts Payable Clerk is responsible for:**

- a) the Purchasing Card payment function;
- b) assisting the cardholders to resolve disputed charges, as required. (See Section 3.1g of this Schedule)

**3.4 The Treasurer is responsible for:**

- a) authorizing the issuance or withdrawal of Purchasing Cards with TD Canada Trust;
- b) processing increases or decreases to credit limits, as requested by Department Managers;
- c) processing bank forms with respect to changes of address and changes of department or area of responsibility, as requested by Department Managers;
- d) compiling and reporting pertinent Purchasing Card data to the Department Managers, as required;
- e) providing co-ordination with respect to monitoring the overall utilization of Purchasing Cards within the Township;



SCHEDULE D continued

- f) ongoing staff training;
- g) developing corporate policies and procedures on low-dollar-value purchasing for goods and services;
- h) reviewing the conduct of all purchasing card activity on a random basis and implementing corrective activities when warranted.

Appendix "A" to Schedule "D"

**ACKNOWLEDGEMENT OF RESPONSIBILITIES AND  
OBLIGATIONS OF HOLDERS OF PURCHASING CARDS**

I, \_\_\_\_\_, acknowledge receipt of Purchasing Card issued by the TD Canada Trust associated with Account Number \_\_\_\_\_ (the "Card"). I acknowledge that the Card has been issued to me to make purchases and approve payments required in the course of my regular duties of employment with the Township of Clearview. I fully understand that the purchases made and the payments approved using the Card is to be as authorized by my Department Manager in accordance with the Township of Clearview's Purchasing and Purchasing Card Policies (the "Policies").

I acknowledge receiving a copy of the "Policies" of the Corporation of the Township of Clearview. I have read and fully understand all of the requirements and obligations set out in the "Policies" and I agree to comply with and be bound by them.

If I cease to be employed by the Township of Clearview for any reason or event, I agree to return this Purchasing Card immediately and without further transactions.

Cardholder's Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
YY/MM/DD

Department Manager's  
Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
YY/MM/DD

Treasurer's  
Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
YY/MM/DD

Cardholder Limitations

Cardholder's/Treasurer's  
Initials

1. Per purchases dollar limit is \$ \_\_\_\_\_
2. Card has been signed by cardholder \_\_\_\_\_
3. Total monthly credit limit of card is \$ \_\_\_\_\_
4. Limitations on type of business: \_\_\_\_\_

\_\_\_\_\_  
YY/MM/DD

## **SCHEDULE "E" TO BYLAW 14-65**

### **POLICY AND PROCEDURES** **Disposal of Surplus Equipment and Materials**

This policy is intended to provide guidelines for the disposition of surplus equipment and materials.

1. Subject to # 2, # 3 and # 4 of this Schedule, any property above the value of \$500 belonging to the Township declared surplus (hereafter called "surplus equipment") by the respective Department Manager shall be disposed of only by means of public tender or quotation after approval has been received from the Treasurer, provided that any usable surplus equipment has first been offered to other user departments, Library Board and Local Boards.
2. If it is determined that a higher return of net of disposal costs can be achieved by sale of surplus equipment to the original vendor or vendors in that line of business, the Treasurer shall sell such equipment at the highest return after first obtaining the approval of the CAO and such equipment shall be excluded from this policy.
3. If the value of the surplus equipment is deemed to be \$500 or less, the method for liquidation or disposal and such surplus equipment shall be excluded from this policy and shall be determined by the Disposal Under \$500 policy.
4. The sale of Township land shall be excluded from this Policy.
5. Surplus equipment includes all items that:
  - (a) are not consumable, such as supplies.
  - (b) are totally owned by the Township or not partially owned by any Provincial or Federal Ministry, or Firefighters Association.
  - (c) cannot be traded in on purchase of replacement equipment or the trade-in value is considered unreasonable.
  - (d) are declared and approved as surplus equipment by the Treasurer.
6. The Department Manager shall obtain approval from the Treasurer of the value of the surplus equipment and such amount shall be established as the Reserve Bid Amount.
7. The Treasurer may offer for sale all the surplus equipment in the following sequence:



SCHEDULE E continued

- (a) To all departments, the library and Local Boards, at the Reserve Bid Amount, on a first come first serve basis.
  - (b) To all area municipalities and the County at the Reserve Bid Amount by forwarding the information on the surplus equipment to the Clerks of the municipalities.
- 8. Any remaining surplus equipment shall be offered for sale to the public and staff in the following manner:
  - (a) A notice briefly describing the surplus equipment and advising that written offers to purchase will be accepted up to an appointed closing date and time should be posted on all bulletin boards in the Administration Building, and Libraries, including the public bulletin boards, at all outlying Township facilities and the Township web site and advertised in local newspapers at the Manager's discretion.
  - (b) After the appointed closing date and time, the written offers to purchase will be opened by the Treasurer and manager.
  - (c) The surplus equipment shall then be offered for sale to the highest bidder provided the highest bid equals or exceeds the Reserve Bid Amount.
  - (d) Should the highest bid not equal or exceed the Reserve Bid Amount, the CAO, the Treasurer and department Manager shall determine the best and fairest method of disposing of the surplus equipment and their decision shall be final.
- 9. When the equipment being disposed of is computer equipment that may include digital storage media (e.g.: computer hard drives), the risks associated with software license violation and disclosure of confidential information will be minimized as follows:
  - (a) For transfer of computer equipment outside of the corporation:
    - I. The Department Manager will identify whether or not the equipment being transferred externally contains any digital storage media. The Department Manager will also locate any drivers that are available in their original format and any software (with licenses) that are being included in the sale of computer equipment.
    - II. Where the transfer includes digital storage media, arrangements will be made to completely erase (e.g.: low-level format) the media, but will not re-install nor re-configure any hardware drivers or software. If the sale includes software and hardware drivers, these will be included in their original formats