

THE REGIONAL MUNICIPALITY OF PEEL

BY-LAW NUMBER 13-2022

A by-law to amend By-law 30-2018 being a by-law to govern the procurement and disposal of goods and services.

WHEREAS the Council of the Regional Corporation enacted By-law 30-2018 on July 1, 2018, to govern the procurement and disposal of goods and services;

AND WHEREAS, the Council of the Regional Corporation on January 9, 2020 passed By-law 4-2020, on February 27, 2020 passed By-law 16-2020, and on May 13, 2021 passed By-law 32-2021, to amend By-law 30-2018;

AND WHEREAS, the Council of the Regional Corporation has by resolution passed on March 10, 2022 authorized the enactment of the by-law herein to further amend By-law 30-2018;

NOW THEREFORE, the Council of the Regional Corporation enacts as follows:

1. That the definition of “emergency” in subsection 2.1.21 of Part II – DEFINITIONS of By-law 30-2018 is amended by deleting the existing definition and replacing it with the following definition, so as to include in the definition a period of time during which an emergency has been declared:
 - 2.1.21 “emergency” means a situation or impending situation that constitutes a danger of major proportions that could result in serious harm to persons or substantial damage to property and that is caused by the forces of nature, a disease or other health risk, an accident, or an act whether intentional or otherwise and includes, but is not limited to, a period of time during which an emergency has been declared to exist in all or part of the Regional Municipality of Peel pursuant to the *Emergency Management and Civil Protection Act*, R.S.O. 1990, c.E.9, as amended, or its successor or similar legislation.
2. That the following section 5.11 is added to Part V – PROCUREMENT AUTHORITIES AND PROCUREMENT METHODS of By-law 30-2018 pertaining to emergency procurements:
 - 5.11 Notwithstanding anything in this By-law, emergency procurements may be authorized as follows:
 - 5.11.1 where the total value of the emergency procurement is greater than \$10,000 up to \$100,000, the Director requiring the procurement, together with the Director of Procurement, shall be authorized to approve the

- procurement, in accordance with applicable procurement procedures;
- 5.11.2 where the total value of the emergency procurement is greater than \$100,000, the Department Head requiring the procurement, together with the Chief Financial Officer, shall be authorized to approve the procurement, in accordance with applicable procurement procedures;
- 5.11.3 notwithstanding subsections 5.11.1 and 5.11.2, if an emergency procurement is required so imminently (for instance, outside regular business hours) such that prior Procurement approval cannot reasonably be obtained, then the Program Director or Department Head, as applicable, alone shall be authorized to proceed with the Direct Negotiation, and report the procurement as soon as practical to the Director of Procurement or the Chief Financial Officer, as applicable and in accordance with applicable procurement procedures;
- 5.11.4 the threshold dollar amounts used to determine the emergency procurement authority levels, as outlined in subsections 5.11.1 and 5.11.2, and in Schedule "B" to this By-law, shall be based on the total cumulative value of the goods and services procured pursuant to the original contract, excluding applicable taxes, throughout the duration of the emergency response;
- 5.11.5 notwithstanding subsection 5.5.1, where goods and services have been procured as an emergency procurement, no additional, similar or related goods and services shall be procured from the same Vendor by Direct Purchase or Direct Negotiation, unless new authority is obtained in accordance with the emergency procurement authority levels, as outlined in subsections 5.11.1 and 5.11.2, and in Schedule "B" to this By-law;
- 5.11.6 notwithstanding any provisions contained in this By-law pertaining to emergency procurements, if at any time the Director of Procurement or Chief Financial Officer deems there to be sufficient time to reasonably permit the solicitation of competitive Bids or to seek Regional Council authority for a Direct Negotiation for the purchase of goods or services, the Director of Procurement or Chief Financial Officer may direct that the goods and services be procured through a Bid Solicitation process or that the Award be approved by Regional Council, as applicable;
- 5.11.7 goods and services procured as an emergency procurement shall be acquired by the most expedient and economical means. Procurement staff will provide advice

and support to expedite any procurement documents and contracts necessary to respond to an emergency; and,

5.11.8 notwithstanding the permissive language contained in section 17.1 of this By-law, all emergency procurements and their cumulative contract values shall be reported to Regional Council in accordance with Part XVII - PROCUREMENT ACTIVITY REPORTING of this By-law.

- 3. That Schedule “B” – PROCUREMENT APPROVAL AUTHORITIES UNDER PART V of By-law 30-2018 is amended by adding the following text pertaining to emergency procurements immediately following the existing text pertaining to Direct Negotiation:

Emergency Procurements	Greater than \$10,000 to \$100,000	Director of Procurement and Director of Program
	Greater than \$100,000	Chief Financial Officer and Department Head

READ THREE TIMES AND PASSED IN OPEN COUNCIL this 10th day of March, 2022.

Deputy Clerk

Regional Chair