

BY-LAW NUMBER 36-2014
OF THE
REGIONAL MUNICIPALITY OF DURHAM

being a by-law to amend By-law No. 68-2000 being a bylaw to define the purchasing and tendering policies and procedures covering the acquisition of goods, services and construction projects by the Regional Municipality of Durham.

NOW, THEREFORE, BE IT ENACTED AND IT IS HEREBY ENACTED as a by-law of the Regional Municipality of Durham by its Council thereof as follows:

1. THAT subsection 2.3 of By-law 68-2000 be added:

“2.3 Vendor complaints shall be handled with consideration to fairness and equity for all participants involved. All vendor complaints, whether addressed to Councillors or employees, shall be referred to the “designated official” for resolution.

All objections to a recommendation for award must be in writing. The “designated official” shall review the objection and determine, in consultation with the Region’s Legal Department where necessary, whether the objection is material.

Where the objection is determined not to be material, the making of the award shall proceed in accordance with this by-law.

Where the objection is determined to be material and cannot be resolved, the award shall be made by Regional Council in consideration with the Purchasing By-law.

In such an event, the “designated official” shall inform the Vendor of their right to make a deputation before the Finance & Administration Committee dealing with the award and advise the Vendor to contact the Corporate Services-Legislative Services Department for further information pertaining to the deputation process and should a deputation occur, a staff report be prepared for information to the Committee.”

2. THAT subsection 14.3 of By-law 68-2000 be deleted and the following clause be substituted therefore:

“14.3 For contracts worth more than \$125,000, the prequalification of suppliers must be approved by the “designated official” for each project. A joint report by the “designated official” and the Department head will be submitted to the appropriate Standing Committee and Council for approval of the recommended list of suppliers. Where the “designated official” has authorized the use of a prequalification process it must be conducted in accordance with established procedures.”

3. That Appendix ‘A’ under table heading “Irregularity” and under the section entitled “Bid security”, of By-law 68-2000 be deleted and the following clause be substituted therefore:

- “• Bid security
 - a) Bonding company missing when bid bond requested
 - b) not provided or not in the form or amount specified
 - c) not sufficient”

4. This by-law shall come into effect on the date it is approved by the Council of The Regional Municipality of Durham.

BY-LAW read and passed this 25th day of June 2014.

R. Anderson, Regional Chair and CEO

D. Bowen, Regional Clerk