

THE TOWN OF SWAN RIVER

BY-LAW No. 7/2019

BEING a By-law of The Corporation of the Town of Swan River to replace The Procurement of Goods and Services Policy (Resolution #18 March 16th, 2004) with By-law 7-2019 as amended, being a by-law to establish and maintain a policy concerning the procurement and disposal of Goods and Services.

WHEREAS Section 251 of the Municipal Act requires all municipalities to adopt a policy concerning the procurement of Goods and Services.

AND WHEREAS the Corporation of the Town of Swan River is committed to ensuring its procurement decisions are fair, open and transparent;

AND WHEREAS purchases made by the Town of Swan River should reflect best value for the taxpayer, protect the Corporation's financial interests and encourage competitive bidding;

AND WHEREAS the Corporation of the Town of Swan River must be prepared to manage extraordinary circumstances from time to time, and that such circumstances may require immediate procurement decisions that are necessary to prevent or alleviate serious delay, a threat to public health, safety or welfare, the disruption of essential Services or damage to public property or to respond to any emergency of the Corporation or as required under the Manitoba Emergency Measures Act;

AND WHEREAS effective planning, monitoring and control of public sector procurement are essential for maintaining public trust and confidence;

NOW THEREFORE the Council of The Corporation of the Town of Swan River enacts as follows:

1. PURPOSES OF THIS BY-LAW

The purposes of this By-law are:

- 1.1. To express the Town's goals and objectives in relation to its procurement of Goods, Services and Construction;
- 1.2. To describe the roles, responsibilities and authorities of the Town's employees, officers and elected officials in carrying out the Town's procurement operations;
- 1.3. To extend authority to the CAO for the approval of detailed procurement procedures and protocols that are consistent with the intent of this By-law and, to supplement and amend those procedures and protocols as and when deemed necessary, to meet the present and future needs of the Town; and,

1.4. To comply with the requirements of Section 251 of the Municipal Act, as amended from time to time.

2. PROCUREMENT GOALS AND OBJECTIVES

The goals and objectives of the Town's procurement operations are:

2.1. To obtain the best value for the Town when procuring Goods and service(s) and Construction;

2.2. To encourage competitive procurement and ensure the principles of fairness, objectivity, transparency and accountability are reflected in the Town's procurement processes;

2.3. To support effective business planning such that Goods, Services and Construction will only be acquired after consideration of need, alternatives, timing and appropriate life cycle management issues;

2.4. To adhere to the highest standards of ethical conduct and to avoid conflicts between the interests of the Town and those of the Town's employees, officers and elected officials;

2.5. To ensure compliance with all applicable trade agreements, laws and regulations;

2.6. To practice reciprocal non-discrimination and geographic neutrality with respect to Manitoba's trading partners and avoid preferential treatment of local suppliers in accordance with applicable trade agreements;

2.7. To avoid creating situations or relationships which may result in a continuous reliance on a particular supplier; and,

2.8. To encourage the procurement of Goods, Services and Construction with due regard to the preservation of the natural environment and the promotion of human rights and fair labour practices.

3. APPLICATION OF THIS BY-LAW

3.1. This By-law applies to all departments of the Town of Swan River and may be adopted in principle and, at their own discretion, by affiliate boards and commissions of the Town;

3.2. This By-law applies to the procurement of all Goods, service(s) or Construction except for those items set out in Schedule "A". This By-law also applies to the disposal of the Town's personal property;

3.3. In addition to the items set out in Schedule "A", this By-law does not apply to the acquisition or disposal of real property. The disposal of real property is governed by the Policy and/or By-law in effect at the time of such disposition; and,

3.4. In addition to this By-law, the Town has procedures, protocols, templates and forms for use during the procurement cycle. All tools for engaging in procurement activity will be

maintained and updated by the various departments as required, and where applicable the external website.

4. CONTRACT SPLITTING

4.1. Subdividing, splitting or otherwise structuring procurement requirements or contracts in order to reduce the procurement value or in any way circumvent the requirements or intent of this By-law is not permissible.

DONE AND PASSED IN COUNCIL assembled at the Council Chambers of The Town of Swan River, at Swan River, in the Province of Manitoba, this 3rd day of September 2019.

READ A FIRST TIME this 20th day of November 2018

READ A SECOND TIME this 20th day of August 2019

READ A THIRD TIME AND PASSED this 3rd day of September 2019

Mayor

Chief Administrative Officer