

THE CORPORATION OF THE TOWN OF PLYMPTON-WYOMING

BY-LAW 79 of 2025

**Being a by-law to adopt a Procurement Policy for the
Corporation of the Town of Plympton-Wyoming**

WHEREAS pursuant to Section 270(1) of the Municipal Act, 2001, S.O. 2001, c.25 as amended, the powers of a municipality shall be executed by its Council; and

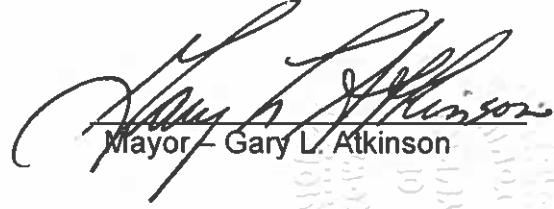
AND WHEREAS the Council of the Corporation of the Town of Plympton-Wyoming deems it expedient to update the Town's Procurement Policy;

AND WHEREAS this policy will be subject to periodic review;

NOW THEREFORE the Council of the Corporation of the Town of Plympton-Wyoming enacts as follows:

1. That By-law 93 of 2011, being the Town's Procurement Policy be repealed;
2. That Schedule "A" of this by-law be adopted as the procurement policy of the Town of Plympton-Wyoming;
3. That this by-law shall come into full force and effect upon final passing thereof.

READ a first, and taken as read a second and third time and finally passed this 30th day of July, 2025.



Mayor – Gary L. Atkinson



Clerk – Erin Kwarciak



THE TOWN OF PLYMPTON-WYOMING			
Subject:	Procurement Policy	Section Finance	Policy #43
Effective Date:	July 30, 2025	Approved By: Council	
Revision Date:			

1. POLICY OBJECTIVE

The purpose of this policy is to establish consistent and transparent processes for acquiring goods, services, and construction that achieve best value, uphold public trust, and support municipal objectives, including fiscal responsibility, environmental sustainability, and economic development.

2. POLICY

Guiding Principles

- Open, fair, and transparent procurement
- Compliance with legislation and trade agreements
- Encouragement of competitive bidding
- Consideration of best value, not just lowest cost
- Support for local businesses where permitted
- Use of cooperative and group buying when advantageous
- Sustainable and ethical procurement.

Definitions

- **Best Value:** The optimal combination of life cycle cost, quality, and performance that meets the needs of the municipality.
- **Cooperative Purchasing:** A shared procurement arrangement involving multiple public sector entities that consolidate purchasing power to achieve efficiency and cost savings.

- **Department Head:** For this policy, will refer to Director of Public Works, Clerk, Treasurer and Fire Chief.
- **Request for Proposal (RFP):** A competitive procurement process used when the solution to a requirement is not easily definable, and proposals will be evaluated on criteria beyond price.
- **Request for Quotation (RFQ):** A competitive procurement method used for straightforward purchases where price is the primary evaluation factor.
- **Request for Tender (RFT):** A formal bid solicitation for defined requirements, evaluated primarily on price, resulting in a binding offer.
- **Sole Source:** A non-competitive procurement where only one supplier can deliver the required goods or services due to uniqueness or legal exclusivity.
- **Single Source:** A non-competitive procurement where more than one supplier exists, but one is selected based on specific circumstances such as compatibility, performance, or urgency.
- **Emergency Procurement:** A purchase made in response to a situation that poses an immediate risk to health, safety, or critical services, bypassing normal competitive procedures.
- **Non-Compliant Bid:** A bid that does not meet mandatory requirements set out in the solicitation document.
- **Procurement Value:** The total dollar value of a contract, including any options or renewals, excluding taxes.

Roles and Responsibilities

- **Council:** Approves the procurement policy and purchases exceeding defined thresholds.
- **CAO:** May authorize purchases in emergency situations or when Council is unable to act due to legislative restrictions.
- **Treasurer:** Oversees procurement procedures and compliance.
- **Department Heads:** Ensure adherence to this policy in their divisions.

STANDARD PROCUREMENT PROCEDURES

Expenditure Approval

The purchase of goods and services for the municipality is authorized by Council through approved budget allocations or specific Council resolutions. The purchasing policy outlines the guidelines for conducting the procurement process.

Summary of Procurement Values and Approval Requirements

The following chart outlines the procurement methods and corresponding approval levels according to procurement value. Additional details about each method are provided in the sections that follow.

Procurement Value	Procurement Method	Approval Authority
Up to \$10,000	Direct Purchase	Department Head
\$10,001 - \$25,000	Informal Quotation	Department Head & Treasurer
\$25,001 - \$50,000	Request for Quotation (RFQ)	Treasurer
Over \$50,000	Request for Tender (RFT), or Request for Proposal (RFP)	Council

A RFT or RFP may be used in place of an RFQ if the project scope deems it appropriate. No requisitions, purchase or contract shall be divided to avoid the requirements of the dollar value limits of this section.

Where goods or services of a similar nature are to be purchased repeatedly—from one or more suppliers—either throughout the calendar year or over a specific season, the procurement shall follow the provisions of this by-law based on the total estimated cost for the entire period. The appropriate procurement method shall be determined according to that total dollar value.

PROCUREMENT METHODS

Direct Purchase Process

The direct purchase method applies to goods or services with an estimated value of \$10,000 or less.

- Purchases may be made directly from a supplier without obtaining written quotes.
- Department Heads are expected to use good judgment and ensure that fair market value is obtained.
- Documentation must be submitted to the Department Head to confirm compliance with the policy and ensure the purchase falls within the approved budget.

This method is intended for low-value purchases where the administrative burden of a competitive process would outweigh the benefit. Whenever possible, staff should consider multiple suppliers or informal pricing checks to promote fairness and transparency.

Informal Quotation Process

The informal quotation process applies to purchases with an estimated value greater than \$10,000 but not exceeding \$25,000.

- The Department Head must obtain at least three (3) written quotes, where practical, from responsible and responsive vendors.
- Quotes may be received via email or fax and do not require public advertising or sealed submissions.
- Specifications must be clearly defined to ensure comparable quotes.
- A purchasing report (see *Schedule A*) must be completed and submitted to the Treasurer for review and approval.

This process allows for competitive pricing while maintaining administrative efficiency for mid-value purchases.

Request for Quotations (RFQ)

A request for quotation (RFQ) is a formal method used when the estimated value exceeds \$25,000 but does not exceed \$50,000, and the requirements are clearly defined.

- Vendors are invited to submit written quotations based on detailed specifications.
- A minimum of three (3) vendors should be invited to quote, where practical.
- The RFQ process does not involve sealed bids but is subject to a defined deadline.
- Evaluations are typically based on lowest quote.
- Where the purchase is related to providing services, WSIB coverage must be verified prior to the commencement of the work.
- A purchasing report (see *Schedule A*) must be completed and submitted to the Treasurer for review and approval.

Request for Tender (RFT)

A request for tender (RFT) is a formal, public request for sealed bids for purchases of goods or services over \$50,000. An RFT shall be issued where all the following criteria apply:

- Two or more sources are considered capable of supplying the requirements,
- The requirement is adequately defined to permit the evaluations of tenders against clearly stated criteria such as detailed project specifications, requirements, terms, and conditions.
- The market conditions are such that tenders can be submitted on a common pricing basis.
- It is intended to accept the lowest priced compliant bid without negotiations.
- Where the purchase is related to providing services, WSIB coverage must be verified prior to the commencement of the work.
- A 10% Bid Bond to ensure a contractor will enter into a contract.

Vendor pre-qualification may be required. Vendors submit sealed bids by a specified deadline. A recommendation report must be submitted to Council for approval for purchases over \$50,000. The requirements of Requests for Tenders procedures are outlined in *Schedule B*.

Request for Proposal (RFP)

A request for proposal (RFP) is a formal process used for purchases over \$50,000 where the desired outcome is known, but the method or solution may vary. An RFP should be issued where one or more of the criteria for issuing a RFT cannot be met.

RFPs are typically issued when due to the nature of the requirement, suppliers are invited to propose a solution to a problem, need, or objective. In these cases, the selection is based primarily on the quality and effectiveness of the proposed solution, rather than on price alone. Additionally, it is expected the negotiations with one or more vendors may be required with respect to any aspect of the requirement.

This method of purchase involves the solicitation of proposals. It may or may not include pre-qualification. In this method of purchase, some or all the specifications and contract terms may not be finally determined with sufficient certainty to form the basis of a final contract before proposals are solicited and submitted. It may be expected that there will be some variation in the final specification and contract terms among and between responsive proponents. The process may involve negotiations after the submission of proposals on any or all the specifications, contract terms and price. A 10% Bid Bond

would be required in an RFP if there is construction involved.

In general, the RFP process encourages different solutions from vendors and actively searches for better and more creative ideas for supply of goods and services. It provides a process whereby the negotiation and award is based on demonstrated competence, qualifications and the technical merits of the Proposal at a fair price.

EXCEPTIONS TO STANDARD PROCEDURES

Negotiation Method

Purchases with an estimated value greater than \$25,000 shall be obtained using a competitive process. The requirements of the competitive procurement process may be waived under the authority of Council. In such cases, the competitive process shall be replaced by the negotiated method, as outlined in *Schedule C*. Where the negotiated method is utilized, Council must clearly indicate that this alternative approach was approved and provide the rationale supporting the decision.

Exemptions

This procurement policy applies to all purchases made by the municipality, except for those items listed in *Schedule D*.

Emergency Purchases

Where an emergency arises that requires the immediate acquisition of goods or services essential to:

- prevent serious disruption to the operations of any department,
- avoid danger to life, health, or safety of employees or the public, or
- prevent damage to property,

such goods or services may be procured without adherence to the standard provisions of this by-law.

As soon as reasonably practicable following the emergency purchase, the purchaser shall notify the Treasurer and provide documentation outlining the nature of the emergency, the goods or services acquired, and the cost incurred.

Prescribed Council Approval

Notwithstanding any other provision of this policy, the following awards require Council approval:

- the recommended award exceeds the amount budgeted for the purchase.
- the authority to award has not been expressly delegated to staff of the municipality.

OTHER CONSIDERATIONS

Cooperative Purchasing

The municipality may take part in cooperative or group purchasing with other agencies (e.g., Canoe, Local Authority Services, Chatham Kent Lambton Administrator Group Agreements, Ontario Broader Public Funded Organization Agreements, etc.) where such participation is in the municipality's best interest. In such cases, the procurement policies of the lead agency may apply, subject to trade law.

Responsible Purchasing Practices

Where feasible and financially responsible, the municipality shall:

- Prefer Canadian-made goods and services.
- Support local suppliers and businesses.
- Consider social and environmental impacts.
- Require fair labour practices and compliance with human rights standards.

Accessibility and Inclusion

Procurement shall meet the requirements of the Accessibility for Ontarians with Disabilities Act (AODA) and promote accessible service delivery.

Trade Agreements

- Purchasing by the municipality may be subject to the provisions of trade agreements.
- Where an applicable trade agreement supersedes and conflicts with this policy, the trade agreement shall take precedence.

Conflict of Interest and Vendor Conduct

- Staff and elected officials must disclose any potential conflicts.
- Vendors may be excluded for poor past performance, unethical behaviour, or legal disputes with the municipality.
- Follow all relevant Codes of Conduct.

Bid Evaluation and Award Criteria

Bids will be evaluated using a standardized process. Any bid irregularities shall be reviewed in accordance with the procedures outlined in *Schedule E*.

In addition to price, the municipality may consider factors such as the bidder's experience, qualifications, past performance, ability to meet specifications, delivery timelines, and overall value when selecting the successful bidder. The following list includes factors that may be considered to determine the successful bidder.

1. **Capability and Skill** – The bidder's ability, capacity, and technical skill to provide the requested goods or services.
2. **Timeliness** – The bidder's ability to perform the contract or deliver the services within the required time frame, without delay or disruption.
3. **Character and Reputation** – The bidder's integrity, reputation, judgment, past conduct, and experience in similar contracts or services.
4. **Past Performance** – The quality and performance of the bidder in previous contracts, including reliability of goods and services provided.
5. **Financial Capacity** – The bidder's financial stability and resources to ensure successful completion of the contract.
6. **Suitability of Goods or Services** – The quality, availability, and adaptability of the goods or services for their intended purpose.
7. **After-Sales Support** – The bidder's ability to provide future maintenance, support, or service as required.
8. **Bid Conditions** – The number, scope, and impact of any conditions, exceptions, or qualifications included in the bid submission.
9. **Preference for Local or Canadian Products** – Where feasible and economically justifiable, preference may be given to products that are manufactured or supplied locally, within Ontario, or within Canada, to support local economic development.

3. POLICY REVIEW

This policy shall be reviewed at least every five years or earlier if legislative or operational needs require.

PROGRAM HISTORY

REVISION	DATE	PREPARED BY

SCHEDULE A



Purchasing Report

Report to:

From:

Copy to:

Approved by:

Signature: _____

Date:

Re:

Recommendation:

Background

Discussion

Financial Implications

Attachments

Employee's Name

Title

Town of Plympton-Wyoming

SCHEDULE B

Request for Tender and Request for Proposal - Process & Requirements

Advertising

Requests for Tender (RFT) and Requests for Proposal (RFP) shall be publicly posted on the Municipality's website for a minimum of seven (7) calendar days prior to the bid closing date. The Municipality will follow the provisions of Contract Law requirements. The Municipality may also choose to advertise opportunities on third-party eProcurement platforms to broaden outreach and encourage competitive submissions.

Pre-Qualification

Where appropriate, a pre-qualification process may be used to establish a list of qualified bidders prior to issuing an RFT or RFP. This process ensures that only bidders with the necessary qualifications, experience, and capacity are invited to submit proposals.

Submission Requirements

- Bids must be submitted in accordance with the instructions outlined in the procurement document (e.g., sealed hard copies or through an approved electronic tendering platform).
- Late submissions will not be considered and will be returned unopened (if applicable) unless a delay is due to municipal error or an extension has been formally issued.
- Bidders must ensure all required documentation is complete and included (e.g., bid form, pricing schedule, addendum acknowledgment, bonding, or insurance certificates, as applicable).
- Bonding requirements will be subject to the provisions of the Construction Act. Bonding may be required for lower-value projects at the discretion of the Treasurer or CAO.

Bid Opening

- All sealed bids must be opened as soon as reasonably possible following the closing time and date specified in the tender document.
- A minimum of two (2) municipal staff members must be present at the time of opening to maintain transparency and accountability.
- Where applicable, the names of bidders and total bid amounts may be read aloud and/or recorded in a bid opening summary, subject to the type of procurement and the municipality's disclosure policy.

Confidentiality and Evaluation

- Bid contents will remain confidential and will not be disclosed publicly, except as required under the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA) or other applicable legislation.
- Evaluation of bids shall be conducted in accordance with the criteria and methodology outlined in the procurement document. The municipality reserves the right to reject any or all bids or to waive minor informalities or irregularities, as permitted by the purchasing policy.

SCHEDULE C

Negotiation Method

Non-competitive procurement by negotiation must be justified and documented.

The use of non-competitive procurement (Negotiation Method) is permitted when one or more of the following situations apply. Additional details regarding sole source and single source procurement are provided in the sections below.

- The purchase qualifies for sole source procurement, where only one supplier is available due to exclusive rights, technical qualifications, or proprietary items.
- The purchase qualifies for single source procurement, where more than one supplier exists, but a specific supplier is selected for valid operational or strategic reasons.
- Compatibility with existing equipment, systems, or services is essential and no reasonable alternatives exist.
- Extension or reinstatement of an existing contract is determined to be the most cost-effective or beneficial option for the municipality.
- Goods or services are urgently required in an emergency and cannot be obtained through a competitive process in time.
- Goods or services are in short supply due to abnormal or volatile market conditions.
- A competitive procurement process has failed to yield any qualified, responsive, or compliant bids.
- All bids received through a competitive process exceed the approved budget and re-tendering is unlikely to result in better pricing or value.
- Goods are intended for resale and marketability and profitability are key factors in supplier selection.
- It is determined that the best interests of the municipality would be served through direct negotiation.
- Council has provided direction to staff to proceed by negotiation.

All expenditures under this method remain subject to the same spending authority levels and approval requirements as set out for competitive procurement.

The methods of negotiation shall be those accepted as standard negotiation procedures that employ fair and ethical practices. The information pertinent to and the results of all such negotiations shall be reported to the Treasurer.

SCHEDULE D

Exemptions from Procurement Policies

1. Training and Education

- Conferences, conventions, courses, and seminars
- Memberships in professional associations
- Magazines, subscriptions, books, and periodicals
- Staff development and training initiatives

2. Reimbursable Expenses

- Meal allowances
- Travel and hotel accommodations
- Mileage
- Parking expenses
- Miscellaneous non-travel expenses

3. General Expenses

- Payroll deduction remittances (e.g., taxes, benefits)
- Payment of salaries or wages
- Medical expenses or reimbursements
- Licensing fees (e.g., vehicles, elevators, radios)
- Debenture and loan payments
- Insurance premiums
- Grants and donations to approved agencies or organizations
- Petty cash replenishment
- Damage claims
- Legal or insurance settlements
- Legal fees and related professional services related to a legal matter
- Tax remittances (e.g., HST, property tax transfers)
- Postage

4. Utilities (Recurring Monthly Charges)

- Water and sewer charges
- Hydro (electricity)

- Internet services
- Natural or propane gas
- Telephone and communications

5. Professional and Special Services

- Advertising and public notices
- Banking services and charges, borrowing and investing funds
- Committee fees and honorariums
- Hiring employees under the hiring policy
- Maintenance and software licensing agreements for computer systems, telecommunications, elevators, HVAC, and other municipal equipment
- Payments under cost-sharing service agreements
- Professional fees - legal, human resources, technical experts, etc.
- Professional services including engineering, legal, auditing, etc.
- Rental, lease, purchase and sale of property, land or accommodation

6. Council-Authorized Exemptions

Any purchase of goods or services specifically authorized by Council resolution that waives the procurement policy.

SCHEDULE E

Bid Irregularities and Dispute Resolution

Bid Irregularities

Bid irregularities shall be reviewed using a standard. Vendors may request a formal debrief or dispute resolution under conditions outlined in the procedures.

Examples of common bid irregularities and recommended responses:

Irregularity	Response
Bid received after closing time	Automatic rejection
Bid not signed or incomplete	Automatic rejection unless minor and correctable
Mathematical error	Corrected and total adjusted; bidder advised
Failure to provide mandatory documents (Bid Bond, Agreement to Bond, etc.)	Automatic rejection
Incomplete pricing or options	Reviewed for material impact; may be rejected

Note: The municipality reserves the right to waive minor informalities or request clarification.

Dispute Resolution

The municipality is committed to an open, fair, and transparent procurement process. In the event a vendor believes they have been treated unfairly or that a procurement process was flawed, the following dispute resolution process shall apply:

1. Initial Objection

A vendor may submit a written complaint to the CAO and/or Treasurer within five (5) business days of being notified of the award or outcome of the procurement process. The complaint must clearly outline the nature of the concern, including specific details, relevant documentation, and the form of resolution sought.

2. Internal Review and Debrief

Upon receipt of the objection, the CAO and/or Treasurer, and the Department Head responsible for the procurement shall review the matter. A meeting may be arranged with the vendor to allow for clarification and a debrief of the procurement process. If the vendor is satisfied with the outcome of this meeting, no further action will be taken.

3. Further Appeal

If the vendor remains unsatisfied, they may request a further review by the CAO and/or Treasurer. The CAO and/or Treasurer may consult other senior staff, legal counsel, or external advisors as needed. If an error in process is confirmed, corrective action may be recommended, which may include cancellation or re-issuance of the procurement.

4. Council Review

If resolution is still not achieved, and the CAO and/or Treasurer is confident that the procurement process was fair and followed the municipality's policy, the vendor may request, in writing, an opportunity to appear before Council. Council's decision shall be final.

5. Trade Agreement Challenge

Vendors also have the right to challenge procurements under applicable trade agreements. Any such challenges must be made in accordance with the timelines and processes established under those agreements.

6. Debriefing Requests

Vendors who submit a formal objection may request a debrief within ten (10) calendar days of being notified that their bid was unsuccessful. Debriefings will focus solely on the vendor's own submission and will not include information about competing bids.