



Date 30 July 2010

City Council Committee Report

To: Mayor Compton & Members of Council

Fr: Karen Brown

Re: Procurement By-law Amendment

Recommendation:

That Council hereby authorizes a revised Procurement #FI-01-01; and further

That Council give three readings to a by-law to amend the Comprehensive Policy Manual for this purpose.

Background:

The City has recently been advised by Fred Dean, our Municipal Solicitor, that the City's procurement policy is in violation of the Discriminatory Business Practices Act. This Act is a newer piece of legislation, showing as being first posted to the e-laws website on December 15, 2009. Section 5 (4) of this legislation reads as follows:

Negative statements of origin prohibited

(4) No person in Ontario shall seek or provide a statement, whether written or oral, to the effect that any goods or services supplied or rendered by any person or government do not originate in whole or in part in a specific location, territory or country for the purpose of engaging in or assisting in engaging in a discriminatory business practice as defined in section 4, but this subsection does not prohibit a person in Ontario from seeking or providing a statement, whether written or oral, to the effect that any goods or services supplied or rendered by any person or government originate in whole or in part in a specific location, territory or country. R.S.O. 1990, c. D.12, s. 5 (4).

The City's current procurement policy does have a local preference section in it, which reads as follows:

Preference will be given to local merchants and suppliers in cases where everything else is equal in terms of price, quality, quantity and all other relevant matters; then to other merchants / suppliers.

In order to be in compliance with this new legislation, the City is required to remove its local preference statement from its procurement policy. For reference purposes, it is recommended that the Local Preference heading remain within the policy, and the following wording be inserted in replace of the existing section:

In accordance with the Discriminatory Business Practices Act, the City does not have a local preference policy.

The change has been made on the attached policy, and can be seen on page 4 (tracked for ease of reference). There are no other recommended changes to the procurement policy.

Budget:

This is simply an amendment to an existing City policy to clarify purchasing authorities. There is no related budget impact.

Communication Plan/Notice By-law Requirements:

This item should be considered housekeeping in nature. No further notice is required.

Cc: Paul Derouard