



BY-LAW NUMBER 2020-5

TO GOVERN PROCUREMENT OF GOODS AND SERVICES BY THE HALTON REGIONAL POLICE SERVICE

1 PREAMBLE

- 1.1 Section 31 (1)(c) of the Police Services Act, R.S.O. 1990, c. P.15 as amended (hereinafter referred to as the “PSA”) provides that The Regional Municipality of Halton Police Services Board (hereinafter referred to as the “Board”) is responsible for the provision of adequate and effective police services in The Regional Municipality of Halton.
- 1.2 Section 31(6) of the PSA provides that the Board may, by by-law, make rules for the effective management of the Halton Regional Police Service (hereinafter referred to as the “Service”).
- 1.3 Section 31(3) of the PSA provides, for greater certainty, that the Board shall not direct members of the Service other than the Chief of Police.
- 1.4 The Board recognizes its responsibility for the effective utilization of all its resources and has the need to establish sound policies for the purpose of procuring good and services and reporting thereon in a manner that fulfils its mandate, pursuant to the PSA.
- 1.5 The Board recognizes that the procurement of Goods and Services may be subject to the provisions of the Canadian Free Trade Agreement (CFTA), the Canada-European Union Comprehensive Economic and Trade Agreement (CETA), and the Canada-United States-Mexico Agreement (CUSMA) and where an applicable trade agreement is in conflict with this By-Law, the trade agreement shall take precedence.

THEREFORE, the Board enacts as follows:

2 PURPOSE AND OBJECTIVE

The purpose and objectives of the By-Law are to:

- 2.1 encourage competitive bidding;

- 2.2 ensure fairness, objectivity, integrity, accountability and transparency in the procurement process;
- 2.3 obtain best value for the Service in the procurement or disposal of Goods and Services;
- 2.4 ensure quality delivery of Goods and Services;
- 2.5 encourage environmentally responsible and sustainable procurement while maintaining fiscal prudence;
- 2.6 promote and implement procurement practices, where possible, that support the principles of the *Ontarians with Disability Act, 2001* and the *Accessibility for Ontarians with Disabilities Act, 2005*;
- 2.7 offer a variety of procurement methods and to use the most appropriate method according to the value of the required Good or Service;
- 2.8 avoid conflicts between the interests of the Board or the Service and those of its members and employees;
- 2.9 to encourage the procurement of Goods and Services with due regard to the preservation of the natural environment;
- 2.10 maintain timely and relevant policies and procedures by reviewing this By-Law at a minimum within five (5) years of the approval date by the Board. Failure to conduct a review within the time period set out shall not have the effect of the validity of the By-Law; and,
- 2.11 adhere to the Code of Ethics of the Institute of Public Procurement and the Ontario Public Buyers Association.

3 INTERPRETATION

- 3.1 Words imparting the singular number only also include more persons, parties, or things of the same kind than one.
- 3.2 Words interpreted in the singular number have corresponding meaning when used in the plural.
- 3.3 Where the Chief delegates his authority to a Designated Official of the Service as defined pursuant to this By-law, the Designated Official is authorized to act pursuant to this By-law.
- 3.4 Unless otherwise specified, the requirements assigned to, and procedures developed by the Chief regarding HRPS expenditures shall also apply to the CAO regarding HPB governance expenditures.
- 3.5 The following Schedules attached hereto are incorporated into this By-law:

- 3.5.1 Schedule “A” – Definitions;
- 3.5.2 Schedule “B” – Purchase Exemptions; and
- 3.5.3 Schedule “C” – Supplier Operating Principles and Code of Conduct.

4 APPLICATION, RESTRICTIONS, EXCEPTIONS AND PROHIBITIONS

- 4.1 The Chief shall develop policies and procedures including all of the purposes, goals and objectives, for the procurement of all Goods and Services and for the awarding of any Contract.
- 4.2 The authority to procure Goods and Services or award a Contract is subject to the identification and availability of approved budget funds in appropriate accounts within the Board approved operating or capital budget.
- 4.3 **Authorizations** – once established, if during the budget cycle a more beneficial allocation of approved budget funds is required, the following authorizations must be received prior to acquisition of Goods and Services:
 - 4.3.1 HRPS expenditures valued up to and including \$100,000 shall be approved by the Chief or designate;
 - 4.3.2 HPB governance expenditures valued up to and including \$100,000 shall be approved by the CAO or designate;
 - 4.3.3 HRPS and HPB governance expenditures valued over \$100,000 shall be approved by the Board.
- 4.4 Any such request shall not cause the Service’s or Board’s approved operating or capital budget to be more than the total approved budget.
- 4.5 Goods and Services shall be expensed in the year in which the benefits of the item procured are actually received, in accordance with generally accepted accounting principles.
- 4.6 **Avoidance** - no procurement of Goods and/or Services shall be arranged or made to avoid the application of this By-law.
- 4.7 **Splitting** - no procurement of Goods and/or Services shall be divided into two or more parts for the purpose or intent of, or with the effect of, avoiding or frustrating the application of this By-law.
- 4.8 **Personal Purchases** - no personal purchases shall be made by the Service for Board or Board Staff members or Service members or their family members.
- 4.9 **Surplus Goods / Goods for Disposal** – a member who has the responsibility of declaring goods surplus shall not bid on or personally obtain any goods he has

declared as surplus.

- 4.10 **Rewards / Gifts** - every Board or Board staff member, employee of the Service or their family members is expressly prohibited from accepting, directly or indirectly, from any person, company, firm or corporation to which any Contract is, or might be awarded, any rebate, gift or money, except:
- 4.10.1 gifts of a very small intrinsic value;
 - 4.10.2 gifts given for the use and benefit of the Board or Service; or
 - 4.10.3 moderate hospitality during the normal course of business that would not exceed what the Board or Service, through the employee's expense reimbursement, would likely provide to the member and would not be perceived by others as influencing the making of a business decision.
 - 4.10.4 Any offers of gifts or hospitality which contravene or may be seen to contravene the By-Law shall be reported forthwith to the Chief or designate.
- 4.11 **Conflict of Interest – Board** - any Board or Board staff member shall declare to the Board a Conflict of Interest and refrain from participating or discussing a procurement process / award where a conflict has been found or deemed to exist.
- 4.12 **Conflict of Interest – Member** - any Service member shall declare any Conflict of Interest to the Chief or designate and thereafter refrain from participating or discussing a procurement process / award.
- 4.13 **Solicitation of donations** - solicitation of donations from existing or past Service Suppliers / Contractors / Consultants, for any reason, must be pre-approved in writing by the Chief, in consultation with the Director and Legal Counsel.

5 AUTHORITIES AND RESPONSIBILITIES

- 5.1 The provisions of any domestic (federal, provincial or municipal law) or international treaty governing procurement shall prevail to the extent of any conflict with this By-law.
- 5.2 Notwithstanding any other provision of this By-law, the following are subject to Board approval:

- 5.2.1 where any of the provisions of this By-law are being waived;
 - 5.2.2 where the term of a proposed contract is for a period greater than five (5) years, or where a Contract Extension would result in an aggregate term of greater than five (5) years;
 - 5.2.3 where the Top Ranked Bid exceeds the Board approved budget;
 - 5.2.4 where a Bid Protest emanating from a Bid Solicitation has been filed with the Chief and has not been resolved; or
 - 5.2.5 where the purchase of any Goods and/or Services is not authorized by this By-law.
- 5.3 **Responsibilities of the Chief of Police.** The Chief shall be responsible for the consistent application of all provisions and procurement processes as identified in this By-law by:
- 5.3.1 ensuring the procurement process for Goods and Services is conducted in a manner that supports the principles, goals and objectives of this By-law;
 - 5.3.2 ensuring compliance with the methods/authorization processes as required by this By-law and advising the Board as appropriate when there is non-compliance;
 - 5.3.3 coordinating, preparing, issuing, opening and evaluating all Bids;
 - 5.3.4 developing co-operative purchasing plans or utilizing existing agreements, such as Vendor of Record arrangements, with other units of government or their agencies or public authorities, where deemed beneficial to the Service;
 - 5.3.5 promoting the standardization of Goods and Services, where such standardization demonstrably supports the purposes, goals and objectives of this By-law; and
 - 5.3.6 liaising with Suppliers to communicate performance excellence and to resolve Supplier performance deficiencies.
- 5.4 **Authority to Execute Contracts.**

5.4.1 Subject to statutory requirements and where all the requirements of this By-law have been met, the Chief or designate is authorized to execute Contracts and any ancillary documents, and the CAO is authorized to execute Contracts for HPB governance expenditures and any ancillary documents, that have been prepared in form and content satisfactory to Legal Counsel, when all of the following conditions have been met:

5.4.1.1 sufficient funds are available within the approved operating budget or, sufficient funds are available within the approved capital budget;

5.4.1.2 the procurement process and reporting procedures were carried out in accordance with this By-law;

5.4.1.3 there is no future financial or performance obligation at the termination of the Contract;

5.4.1.4 the term is for a specific period or until completion of a defined project; and

5.4.1.5 the value of the Contract does not exceed the Chief’s or CAO’s authority as specified in this By-law.

5.4.2 Where the Board has authorized the award of a contract in compliance with this By-law, the Chief or CAO, as applicable, is authorized to execute the contract and any ancillary documents that have been prepared in a form and content satisfactory to Legal Counsel.

6 BID PROCESSING AND METHODS OF PROCUREMENT

6.1 The Chief shall establish procedural policies to detail the specific procurement processes, approval authorities and forms of commitment to be applied under each category / process as follows:

The following processes are the methods for procurement of Goods and Services, including Consulting Services, on behalf of the Board. These methods may be utilized individually or in combination with one another.

(expected) Total Cost	Procurement Process	Approval Authority	Form of Commitment
\$0 - \$5,000	Direct Purchase - If > \$500 = obtain two (2) informal quotes - Acquire from lowest Total Cost	Manager / DSR	HRPS Credit Card or Purchase Order or Contract
\$5,001 - \$35,000	Direct Purchase - Obtain three (3) formal quotes - Acquire from Lowest Total Cost	Manager / DSR in consultation with Purchasing Services	Purchase Order / Contract or Consulting Agreement
Over \$35,000 (known specifications)	Request for Quotation (up to \$100,000)		

	<ul style="list-style-type: none"> - Open Competition - Award to Top Ranked Bidder - Limited Tendering (Single / Sole Source) 	<p>Purchasing Services</p> <p>Director or designate</p>	<p>Purchase Order / Contract or Consulting Agreement</p> <p>Purchase Order / Contract or Consulting Agreement</p>
	<p>Request for Tender (over \$100,000)</p> <ul style="list-style-type: none"> - Open Competition - Award to Top Ranked Bidder - Limited Tendering (Single / Sole Source) 	<p>Chief of Police</p> <p>Police Service Board</p>	<p>Purchase Order / Contract or Consulting Agreement</p> <p>Purchase Order / Contract or Consulting Agreement</p>
<p>Over \$35,000 (unknown specifications)</p>	<p>Request for Proposal (up to \$100,000)</p> <ul style="list-style-type: none"> - Open Competition - Award to Top Ranked Bidder 	<p>Director or designate</p>	<p>Purchase Order / Contract or Consulting Agreement</p>
	<p>Request for Proposal (over \$100,000)</p> <ul style="list-style-type: none"> - Open Competition - Award to Top Ranked Bidder 	<p>Chief of Police</p>	<p>Purchase Order / Contract or Consulting Agreement</p>
<p>Other</p>	<p>Limited Tendering – Consulting Services only - HRPS</p> <ul style="list-style-type: none"> - Award up to \$100,000 - Award up to \$300,000 - Award over \$300,000 	<p>Director</p> <p>Chief of Police</p> <p>Police Service Board</p>	<p>Purchase Order / Contract or Consulting Agreement (all levels)</p>
<p>Other</p>	<p>Limited Tendering – Consulting Services only – Board</p> <ul style="list-style-type: none"> - Award up to \$100,000 - Award over \$100,000 	<p>CAO</p> <p>Police Service Board</p>	<p>Purchase Order / Contract or Consulting Agreement (all levels)</p>
<p>Other</p>	<p>Vendor of Record</p> <ul style="list-style-type: none"> - Treat as Open Competition under each category above 	<p>As above</p>	<p>Purchase Order / Contract or Consulting Agreement</p>
<p>Other</p>	<p>Co-Operative Purchasing</p> <ul style="list-style-type: none"> - Treat as Open Competition under each category above 	<p>As above</p>	<p>Purchase Order / Contract or Consulting Agreement</p>
<p>Other</p>	<p>Contract Extension</p> <ul style="list-style-type: none"> - Where existing contract allows for term extensions to be negotiated 	<p>Original Signing Authority</p>	<p>Purchase Order / Contract or Consulting Agreement</p>

6.2 The process of notifying the market of procurement opportunities, and the issuing, receiving, opening and evaluating of competitive sealed Bids shall be identified in the procedural policies for bid administration.

6.3 PRE-QUALIFICATION OF ACCEPTABLE BIDDERS / LIST OF BIDDERS

6.3.1 The Chief may conduct a Request for Pre-Qualification process for any Goods and/or Services in order to establish a list of pre-qualified potential Bidders who are eligible to participate in Bid Solicitations a predetermined period of time or for a specific project(s), when it is beneficial to do so.

6.3.1.1 Suppliers may request to be included on the Bidders list for informal and formal Bid Solicitations. The list shall be updated with the relevant information as needed.

6.3.2 The Chief may also utilize an existing list of pre-qualified vendors as a result of a similar process, in accordance with the By-Law, conducted by another entity that the Police Service has the ability to leverage at no cost.

6.4 REQUEST FOR EXPRESSIONS OF INTEREST

6.4.1 The Chief may issue a Request for Expressions of Interest to the open market for the purposes of determining the availability of Suppliers of any Goods and/or Services. The response to a Request for Expressions of Interest does not create a contractual obligation.

7 NEGOTIATION

7.1 Notwithstanding that negotiations may be a component of another procurement process, the Chief, may authorize negotiations for the procurement of Goods and/or Services in instances not addressed in this By-Law.

8 CONTRACT EXTENSION

- 8.1.1 When the Award of a Contract is based on a Single / Sole Source negotiation or a Competitive Process within the provisions herein, and the original Contract allows for term extensions to be negotiated, the original signing authority may authorize the term extension and additional funding to the Contract (including a provision for price escalation after considering market conditions) if it is in the best interests of the Service and/or the Board to do so. If the original signing authority is the Board, the Board may delegate the approval for extension to the Chief or CAO as applicable, within the terms of the original Contract.
- 8.1.2 Where additional funds are required due to a fixed rate change increase, then the Contractor must provide supporting documentation for the change in rate and it must be accepted by the original signing authority.

9 EXTRAORDINARY CIRCUMSTANCE PURCHASES

- 9.1 An extraordinary circumstance purchase results from an event or circumstance that is determined by the Chief, or designate, to be:
- 9.1.1 a threat to public health;
 - 9.1.2 disrupt the provision of essential services of the Police Service;
 - 9.1.3 present immediate risk to the welfare of persons, public property or the
 - 9.1.4 environment;
 - 9.1.5 be an emergency as declared under the Emergency Management and Civil Protection Act, R.S.O. 1990, c. E9, as amended or successor legislation;
 - 9.1.6 be a risk or possible risk to a member of the Police Service; and/or,
 - 9.1.7 be a risk or possible risk to the integrity of investigational procedures.
- 9.2 Where the Chief or designate is of the opinion that an extraordinary circumstance exists, the Chief or designate may authorize the purchase of such Goods or Services, and may include negotiations, as are considered necessary to remedy the situation without the requirement for a Bid Solicitation and may purchase any required Goods or Services. As soon as practical, the Chief shall provide an Information report to the Board outlining the circumstances of any such purchase over \$100,000.

10 BUYING GROUPS AND VENDOR OF RECORD

10.1 Buying Groups

10.1.1 The Chief may participate in Buying Groups activities with other municipalities, regions, local board, and public agencies, when it is in the best interest of the Board or the Service to do so.

10.1.2 The Chief may participate in the bid solicitations conducted by the Halton Co-operative Purchasing Group (HCPG) and/or the Police Co-operative Purchasing Group (PCPG) under the Ontario Association of Police Chiefs (OACP).

10.1.3 The Chief may conduct a bid solicitation on behalf of the HCPG or PCPG.

10.1.4 The Chief shall ensure that participation on any procurement conducted through the HCPG or PCPG is carried out in a manner consistent with this By-law.

10.2 Vendor of Record

10.2.1 The Chief may acquire Goods and/or Services from another federal, provincial or municipal body, ministry, agency, board, corporation or authority or in the case of Provincial and Federal Standing Agreements, or other competitive procurement processes, the Chief may choose to take advantage of these opportunities if they are deemed to be in the best interest of the Service and the procurement has been carried out in a manner consistent with this By-law.

11 UNSOLICITED PROPOSALS

- 11.1 Unsolicited Proposals received by the Service may be either rejected or reviewed at the discretion of the Chief.
- 11.2 Any procurement activity resulting from the receipt of an Unsolicited Proposal shall comply with the Limited Tendering section of this By-Law.
- 11.3 A Contract established from an Unsolicited Proposal shall be awarded on a Limited Tendering basis for a maximum of one (1) year.
- 11.3.1 Upon conclusion of the contract, it shall expire and a Bid Solicitation may be applied if it is in the best interest of the Service to do so.

12 PURCHASE EXEMPTIONS

- 12.1 The procurement and reporting methods described in this By-law do not apply to the items listed in Schedule "B", "Purchase Exemptions".

13 REPORTING PROCEDURES

- 13.1 **Capital Project Report** - for purchases being allocated to an approved capital budget, a detailed description of the Capital Project, estimated Total Cost, procurement process, anticipated financing and its relationship to the HRPS Strategic Plan shall be submitted to the Board prior to commencement of any procurement activity.
- 13.2 **Recommendation Report** - prior to the Award of any Contract for Goods and/or Services, a report shall be submitted to the Board for authorization by the Chief, or for authorization of HPB governance Contracts by the CAO, in any of the following instances:

- 13.2.1 where the provisions of this By-Law are being waived;
 - 13.2.2 where a Request for Proposal Process has been applied and the Top Ranked Proposal is not being recommended;
 - 13.2.3 where the Limited Tendering provisions have been applied and the Total Cost exceeds \$100,000;
 - 13.2.4 where the Total Cost of an emergency acquisition exceeds \$100,000, a report shall be submitted to the Board by the Chief within 60 days after the emergency has come to a conclusion;
 - 13.2.5 for operating budget expenditures, prior to Contract Award when the Total Cost of the proposed Goods and/or Services would cause the major cost element to exceed the approved operating budget by the lesser of 10% or \$100,000;
 - 13.2.6 for capital projects, prior to Contract Award when the Total Cost of the proposed Contract exceeds the amount provided in the capital budget for that project by the lesser of 10% or \$100,000, or when additional debenture financing is required; and/or,
 - 13.2.7 where authority to Award has not been expressly delegated elsewhere in this By-Law.
- 13.3 **Purchasing Activity Report** - the Chief shall submit a report to the Board, listing of all HRPS procurements of Goods and Services, not otherwise approved by the Board, in excess of \$100,000 on a semi-annual basis as information to the Board. The CAO shall report all HPB governance procurements semi-annually.

14 FORMS OF COMMITMENT

- 14.1 Expenditures for Goods and Services, with a Total Cost of \$5,000 or less may be transacted by use of a Service issued Purchasing Card in accordance with Purchasing Card policy and this By-law, or by way of an authorized Purchase Order.
- 14.2 Expenditures for Goods and Services in excess of \$5,000 shall be committed by way of an authorized Purchase Order, in accordance with this By-law.
- 14.3 When the nature of the Goods or Services warrants or where the Supplier requires a different form of commitment other than a Purchase Order, a Contract in a form satisfactory to the Chief or CAO as applicable and Legal Counsel shall become the form of commitment.

15 SUPPLIER PERFORMANCE

- 15.1 All Suppliers / contractors / consultants conducting business with the Service shall be required to adhere to the “Supplier Operating Principles and Code of Conduct”, set out in Schedule “C” of this By-law.
- 15.2 The Chief or designate, or the CAO as applicable, shall be responsible for assessing the overall performance of Suppliers / Contractors / Consultants and ensuring proper documentation exists to support an objective assessment of performance.
- 15.3 The Chief, or CAO as applicable, may, upon recommendation from the Director and /or Legal Counsel, pursue appropriate action to ensure the correction of a Supplier’s performance or take appropriate action to cancel the Contract.

16 DISPOSALS

- 16.1 The Chief or designate may authorize the sale, exchange, or otherwise dispose of goods declared as obsolete or surplus to the needs of the Service and where it is cost effective and in the best interest of the Service to do so.
- 16.2 Items or groups of items for disposal may:
 - 16.2.1 be offered to other public agencies or non-profit agencies; or
 - 16.2.2 be sold by external advertisement, formal request, auction or public sale.
- 16.3 Where it is deemed appropriate, a reserve Total Cost may be established.
- 16.4 Any funds received through the sale of any obsolete or surplus goods will be deposited to the appropriate operating budget cost center.
- 16.5 In the event that all efforts to sell or exchange the declared obsolete or surplus goods is unsuccessful, the item(s) may be scrapped giving due regard to the general provisions of the Ontario Waste Electrical and Electronic Equipment Program and other applicable statutory hazardous waste disposal requirements where applicable.

17 GREEN PROCUREMENT POLICY

- 17.1 The Chief shall consider the objectives of the Region’s Green Procurement Policy when preparing and approving all specifications and / or terms of reference that will be used for the procurement of Goods and Services.

18 REPEAL OF BY-LAW # 2016-001 AND #2017-002

- 18.1 By-Law No. 2016-001 “To Regulate Procurement of Goods and Services by the Halton Regional Police Service” and By-Law No. 2017-002 “To Amend By-Law

No. 2016-001” are repealed as of the date of coming into effect of this By-law.

19 EFFECTIVE DATE

- 19.1 This By-law 2020-5 shall come into full force and effect on the 1st day of March, 2021.

APPROVED THIS 26th DAY OF NOVEMBER, 2020.

CHAIR

BOARD SECRETARY

THE REGIONAL MUNICIPALITY OF HALTON POLICE SERVICES BOARD

BY-LAW NO. 2020-5 – SCHEDULE “A”

DEFINITIONS

In this By-Law or any related Service polices or Directives, the following definitions apply:

“Award” means the selection by the Board of one or more successful bids for the provision of Goods or Services from a chosen Supplier;

“Bid” means a response to a bid solicitation or any other offer to sell Goods or Services pursuant to the By-Law, which is subject to acceptance or rejection;

“Bid Protest” means a substantive written objection provided to the Director or the Purchasing Coordinator by a Bidder giving specific reasons for the objection;

“Bid Security” means a bond or deposit which guarantees that the Bidder, if awarded a contract, will accept the contract as bid;

“Bid Solicitation” means a formal request for competitive sealed bids or secure electronic bids that may be in the form of a Request for Quotation, a Request for Tender, or s Request for Proposal;

“Bidder” means a person or corporation that offers a submission in response to a Bid Solicitation;

“Board” or “Halton Police Board” or “HPB” means The Regional Municipality of Halton Police Services Board;

“CAO” means Chief Administrative Officer, the senior Board staff member supporting the Halton Police Board;

“Capital Project” means an identified project or specific initiative which will have a benefit beyond one year which is approved by the Board;

“CETA” means the Canada-European Union Comprehensive Economic and Trade Agreement set out for Government Procurement Chapter 19, effective September 21, 2017 and as may be updated from time to time;

“CFTA” means the Canadian Free Trade Agreement set out for Government Procurement Chapter Five, effective July 1, 2017 and as may be updated from time to time;

“Chief” means Chief of Police, or designate;

“Comparative Pricing” means researching the market to find comparative prices for the same Good or Service;

“Competitive Process” means a method of procuring Goods or Services where multiple Bids are solicited in the marketplace;

“Compliant Bid” means a Bid which correctly and completely responds to all of the requirements that are considered mandatory or important in effect or meaning, as outlined in the bid document and that the Bidder is deemed fully capable, technically and financially;

“Conflict of Interest” means a situation where a personal or business interest of a Board member, a member of the Service, a Supplier or consultant is in conflict with the interests of the Service, and includes, but is not limited to:

- the giving or receiving of a direct or indirect personal gain or benefit, or a direct or indirect advantage or privilege, by any business that provides Goods or Services to the Service or a Family Member of such business that provides Goods or Services;
- a direct or indirect interest in any business that provides Goods or Services to the Service;

“Consulting Services” and “Consultant” means professional services or advice provided to the Service or the Board by an expert(s) with specialized knowledge or skills, but does not include, tradesmen, employment agencies or technicians or services expressly excluded under Schedule “A” to this By-Law;

“Contract” means a binding agreement by way of Purchase Order or other form of written commitment that has been approved as to form and content by Legal Counsel, which contains the agreed upon set of requirements, terms and conditions of the acquisition of Goods or Services, including Consulting Services;

“Contract Extension” means the exercising of optional extensions provided within the existing Contract which may include either time or time plus funding but does not impact or change the scope of the existing Contract;

“Deputy Chief” means a Deputy Chief appointed by the Board, or their designates;

“Designated Official” means a member of the Service appointed by the Chief to act on behalf of the Service in entering into Contracts with third parties in accordance with the requirements of this By-law;

“Designated Service Representative” means a member of the Service appointed by the Chief to have limited procurement authority;

“Director” means the Director of Corporate Services, or their designate;

“Donated Funds” means funds or gifts in kind donated to the Board;

“Duty Inspector” means a sworn officer, generally the rank of Inspector (or Acting Inspector) or higher, who is assigned the responsibility to act as an Inspector to cover the entire Halton Region during non-standard business hours;

“Evaluation Committee” means Service members selected to evaluate Proposals;

“Expression of Interest” means a response from a potential Supplier to a Request for Expression of Interest issued to the market to determine the availability of potential Suppliers of Goods or Services or Consulting Services in the market that does not create any contractual obligation with a potential Supplier;

“Extraordinary Circumstance Purchase” means the purchase of Goods or Services during an event which has been declared as an emergency;

“Fair Market Value” means the Total Cost that would be agreed to in an open and unrestricted market between knowledgeable and willing parties dealing at arm’s length;

“Family Member” means a child (including adopted and stepchild), spouse or ex-spouse, parent including stepparent, grandparent (including step grandparent), legal guardian, son-in-law/daughter-in-law, brother/sister (including stepbrother/sister and brother/sister-in-law), mother-in-law/father-in-law, niece/nephew and aunt/uncle, of a member or employee of the Board or a member of the Service;

“Goods and Services” means supplies, equipment, assets, materials, construction work, any non-professional or general services, or combination thereof, but excludes Consulting Services;

“Grant” means funding provided to the Service from a funding source in the form of a grant or subsidy which is not generally part of the Board’s approved annual budget. The expenditure of these funds is governed by the terms of this By-Law;

“HRPS” or “Service” means the Halton Regional Police Service;

“Invitational” means an invited Bid Solicitation process to known suppliers or contractors;

“Legal Counsel” means the Director, Legal Services or legal counsel to the Board;

“Limited Tendering” means a source of a Goods and Service recommended under the provisions of this By-Law, the procurement of which is not subject to a competitive process, and where there is or may not be more than one source in the open market;

“Limited Tendering Emergency” means the procurement of Goods and Services during an event which has been declared as an emergency;

“Manager” means a member of the Service who is responsible for a Unit/Bureau and who have budgetary authority over specific department (cost centre) operating budgets of the Service;

“Personal Purchases” means a purchase of Goods or Services requested by a member or employee of the Board or by any member of the Service or their Family Member(s), the requirement for which is not for the Service or any of its purposes, but is personal to the person requesting the purchase;

“Pre-qualification Process” means the process of screening potential Bidders in which factors, including but limited to, experience, financial capability, reputation, security and management are considered in order to develop a list of qualified Bidders who may submit a Bid in a subsequent Competitive Process;

“Price” means the per unit cost of an individual item included in a Bid Response;

“Proprietary” means exclusive rights to a Goods or Services such as a patent, trademark, copyright, technical secret, or restricted raw materials;

“Public Funds” means funds collected from taxpayers and provided to the Service by the Board for operating or capital budget purposes;

“Purchase Order” means a written offer to procure Goods or Services;

“Purchase Requisition” means a document to request the procurement of Goods or Services;

“Purchasing Coordinator” means the member of the Service, or their designate, responsible for managing the daily operations of the Purchasing Services unit;

“Purchasing Services” means the organizational unit within the Service responsible for managing the Service’s procurement policies as contained herein and related procedures;

“Purchasing Card” means a credit card issued in the name of an authorized member of the Service as a method to procure and pay for Goods and Services in accordance with the Service’s credit card policy and this By-Law;

“Region” means The Regional Municipality of Halton;

“Senior Command” means the rank or position of Chief, Deputy Chief, Superintendent, Inspector, Duty Inspector, Director or Manager;

“Signing Authority” means the authority delegated to a member of the Service to procure Goods and Services in accordance with this By-law up;

“Supplier” means any individual or organization providing Goods or Services to the Service;

“Top Ranked Proposal” or “Top Ranked Proponent” means the person or corporation that will provide the Service with the desired Goods and Services at either the lowest Total Cost meeting all requirements or the evaluated highest rank Proposal which provides the optimal balance of performance and Total Cost, of which either meets all specifications;

“Total Cost” means the sum of all costs for Goods and Services or Consulting Services inclusive of term extensions, all Goods and Services to be received during the full awarded contract , all applicable taxes, delivery fees, exchange rates, other charges and disbursements;

“Unsolicited Proposal” means a proposal for Goods and Services from a Supplier without having received an explicit request or invitation from the Service to do so;

“Vendor of Record” arrangement means a procurement arrangement, typically established through a competitive request for proposal process, that authorizes one or more qualified vendors to provide Goods and Services to one or more scopes of work for a defined period on terms and conditions, including pricing, as set out in the Vendor of Record arrangement.

THE REGIONAL MUNICIPALITY OF HALTON POLICE SERVICES BOARD**BY-LAW NO. 2020-5 – SCHEDULE “B”****PURCHASE EXEMPTIONS**

The procurement and reporting methods described in this By-law do not apply to the following items based on the current economic and competitive business market:

- 1 Petty Cash Items (maximum \$100 per transaction)
- 2 Training and Education
 - a. conferences, conventions, courses and seminars
 - b. magazines, books, periodicals (electronic or print)
 - c. memberships
 - d. external venues for training sessions
 - e. instructor fees less than \$1,000
- 3 Refundable Employee’s Expenses
 - a. advances
 - b. meal allowances
 - c. travel, accommodation and reasonable entertainment
 - d. miscellaneous – non-travel
- 4 Employer’s General Expenses
 - a. payroll deductions remittances
 - b. medicals and assessments
 - c. licenses (vehicles, firearms, radio/microwave, elevator, etc.)
 - d. debenture payments
 - e. insurance premiums, claim settlements and adjuster services
 - f. grants to agencies
 - g. damage claims
 - h. petty cash replenishment
 - i. tax remittances
 - j. charges to and from other government bodies provided in the normal course of business (e.g. TSSA, ESA)
 - k. sinking fund payments
 - l. payments for employment
 - m. postage
 - n. external venues for special events
- 5 Professional and Special Services
 - a. committee fees

- b. medicals, assessments and laboratory services
 - c. fees and disbursements for legal services
 - d. fees and disbursements for expert witnesses retained in anticipation of, or in the course of, a legal proceeding
 - e. fees and disbursements for external investigators, mediators, conciliators or arbitrators
 - f. medical and dental fees
 - g. funeral and burial expenses
 - h. appraiser fees
 - i. witness fees
 - j. honorariums
 - k. advertising
 - l. investigative searches
- 6 Utilities where a competitive market does not exist
- a. water and sewer
 - b. hydro
 - c. natural gas
 - d. utility relocations
- 7 Real Property
- a. leases of real property
 - b. tower site licenses

THE REGIONAL MUNICIPALITY OF HALTON POLICE SERVICES BOARD

BY-LAW NO. 2020-5 - SCHEDULE "C"

SUPPLIER OPERATING PRINCIPLES AND CODE OF CONDUCT

The Board requires that all suppliers / contractors / consultants conducting business with the Service adhere to the following principles at a minimum:

1. Follow commonly accepted business or industry practices;
2. Obey all applicable municipal, provincial and federal laws;
3. Adhere to the terms of the Contract signed by the Service designated Signing Authority unless amendments are negotiated;
4. Conduct business with integrity and in accordance with their obligations under specific agreements;
5. Keep detailed and accurate records of all Contracts and Goods and Services provided to the Service;
6. Refrain from divulging confidential or personal information;
7. Avoid any appearance of conflict;
8. Refrain from conduct contrary to the values of the Service as included in the Service's current Corporate Business Plan;
9. Treat workers with respect and dignity and ensure that workers are not subjected to any form of physical, sexual, psychological or verbal harassment or abuse;
10. Refrain from engaging in price collusion with other Bidders or Suppliers;
11. Explain clearly the Total Costs of any bid to the Service;
12. Refrain from contacting anyone but the designated person between the issuance and closing dates of a competitive bid process;
13. Refrain from providing gifts or hospitality which may be perceived by others as influencing business decisions and contrary to the spirit of this By-law.

The Service will include reference to the "Supplier Operating Principles and Code of Conduct" in all competitive bid documents / processes, and with all issued Purchase Orders and Contracts.