

THE CORPORATION OF THE TOWNSHIP OF EAR FALLS

BY-LAW NO. 2421-22

**A By-Law to Repeal By-Law No. 2225-19 and Amend the
Procurement Policy for the Township of Ear Falls.**

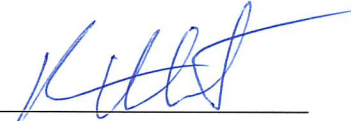
WHEREAS Section 270 of *The Municipal Act, 2001, S.O. 2001, c. 25*, as amended, requires that all municipalities maintain a Policy with respect to the manner in which the municipality will ensure that funds expended for goods and services are fair, efficient, effective and responsible to the public; and

WHEREAS By-Law No. 2225-19, dated April 3rd, 2019, amended the Procurement Policy for the Township of Ear Falls;

NOW THEREFORE, the Council of the Corporation of the Township of Ear Falls, **HEREBY ENACTS AS FOLLOWS:**

1. **THAT** the Short Title of this By-Law shall be “Procurement By-Law”.
2. **THAT** the purpose of this By-Law is to amend the Procurement Policy for the Township of Ear Falls as per Schedule “A” attached hereto and forming part of this By-Law.
3. **THAT** By-Law No. 2225-19 is hereby repealed.
4. **THAT** this By-Law shall come into force and take effect upon the final passing hereof.

PASSED this 6th day of April, 2022.



Mayor

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Clerk

PROCUREMENT POLICY

A. OBJECTIVES

The Objectives of the Policy and of each of the methods of procurement authorized are:

1. To obtain best value when purchasing goods, construction and services for the municipality while treating all suppliers equitably.
2. To be using a competitive process that is open, transparent and fair to all suppliers.
3. To attempt to reduce the amount of solid waste requiring disposal and increase the energy efficiency of products through the purchase of environmentally responsible Goods and Services.
4. To comply with the requirements of Canadian and Ontario Trade Agreements, such as the Canadian Free Trade Agreement (CFTA) and the Canada - European Union Comprehensive Economic and Trade Agreement (CETA)

B. DEFINITION(S)

In this Policy:

“Blanket Purchase Order” – shall mean a Contract between the Township of Ear Falls and a supplier for the supply of regularly ordered Goods or Services with maximum dollar limits but no specified quantities which shall not exceed \$7,500.00 (including taxes).

“Clerk Treasurer Administrator” – shall mean the Clerk Treasurer Administrator of the Corporation of the Township of Ear Falls, or designate.

“Construction” – shall mean a construction, reconstruction, demolition, repair or renovation of a building, structure or other civil engineering or architectural work and includes site preparation, excavation, drilling, seismic investigation, soil investigation, the supply of products and materials and the supply of equipment and machinery if they are included in and incidental to the construction, and the installation and repair of fixtures of a building, structure or other civil engineering design or architectural work, but does not include professional services related to the construction contract unless they are included in the specifications for the procurement.

“Corporation” – shall mean the Corporation of the Township of Ear Falls.

Cross Reference:

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Last Reviewed: April 3rd, 2019

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“Council” – shall mean the Council of the Corporation of the Township of Ear Falls.

“Department Head” – shall mean the person hired / appointed by Council to be responsible for the operations of a Department and / or their Designate.

“Goods” – shall mean moveable property including:

- a. the cost of installing, operating, maintaining or manufacturing such moveable property;
- b. raw materials, products, equipment and other physical objects of every kind and description.

“Litigation” – shall mean any dispute between the Corporation and any other party, including third-party and cross claims, where either a legal proceeding has been commenced for an injunction, a mandatory order, a declaration or the recovery of money or a threat of legal action has been made in writing.

“Lowest Compliant Bid” – shall mean the bid, quote or proposal that would provide the Corporation with the desired Goods, Services or Construction at the lowest Total Acquisition Cost, meets all the specifications and contains no irregularities requiring automatic rejection.

“Municipality” – shall mean the geographic area identified as the Township of Ear Falls.

“Opinion of Value” – shall mean written opinion as to the amount that the land might be expected to realize if sold in the open market by a willing seller to a willing buyer, provided by:

- a. a Realtor, certified or not, acceptable to Council as an appraiser of land in the area; or
- b. Staff of the Township of Ear Falls, whose knowledge of the property and current market values within the Township is acceptable to Council.

“Proposal” – shall mean an offer submitted in response to a Request for Proposal, acceptance of which may be subject to further negotiation.

Cross Reference:	Date Approved: April 5th, 1995
	Last Reviewed: April 3rd, 2019
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“Quotation” – shall mean to state or provide, in writing, a price for goods, services or construction.

“Request for Proposal” – shall mean a written Bid or Offer Solicitation that is used to acquire Goods, Services or Construction. The Request for Proposals process encourages different solutions from vendors and actively searches for better and more creative ideas for supply contracts. It is a wide-open alternate bidding process. Request for Proposals provide a process whereby the negotiation and award is based on demonstrated competence, qualifications, and the technical merits of the Proposal at a fair price.

“Review Committee” – shall mean, for the purpose of this Policy, Clerk Treasurer Administrator, Department Head and may include such employee(s) with relevant expertise and up to two appointed Members of Council.

“Services” – shall include all professional and consulting services, all services in relation to real property or personal property including without limiting or foregoing the delivery, installation, construction, maintenance, repair, restoration, demolition or removal of personal property and real property and all other services of any nature and kind save and except only services to be delivered by an officer or employee of the Township of Ear Falls in accordance with terms of employment or services excluded within the Policy.

“Special Circumstances” – shall mean a situation or the threat of an impending situation, which may affect the environment, the life, safety, health and / or welfare of the general public or the property of the residents of the Township of Ear Falls, or to prevent serious damage, disruption of work, or to restore or to maintain essential service to a minimum level.

“Surplus Asset” – shall include new or used equipment, vehicles or materials, which are of no further use to the Corporation.

“Tender” – shall mean a publicly advertised Bid or Offer Solicitation with a formal bid or offer, in writing, based on tender documents outlining specifications, materials, description and quantities, security, insurance, completion date, etc.

“Total Acquisition Cost” – shall mean an evaluation of quality and service in the assessment of a Bid and the sum of all costs including purchase price, all taxes, warranties, local service costs, life cycle costs, time of completion or delivery, inventory carrying costs, operating and disposal costs for determining the Lowest Compliant Bid.

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C. AUTHORITY

The Clerk Treasurer Administrator:

1. is hereby authorized to establish administrative procedures as may be required to carry out the intent of this Policy.
2. shall exercise Administrative control over the procurement of Goods, Services or Construction within the limits and Policies established by Council.
3. shall investigate areas or other procedures, which could have an advantageous result to the Corporation in purchasing procedures, such as cooperative buying with other organizations, whether public or private.
4. may designate to any other properly authorized Corporation employee any part or parts of the responsibilities indicated in this Policy.
5. is authorized and shall arrange for the payment of Goods, Services or Construction pursuant to the provisions of this Policy or Resolutions by Council.

D. CONDITIONS FOR PROCUREMENT OF GOODS, SERVICES OR CONSTRUCTION

The following conditions shall apply to the procurement of Goods, Services or Construction for the Corporation:

1. All purchases shall be in accordance with approved budgets except where Council has by By-Law or Resolution directed otherwise.
2. Goods, Services or Construction shall be obtained from suppliers on terms and conditions, as would normally be good business practices, subject to the following:
 - a) on purchases up to and including \$10,000.00 as deemed most economical, practical and competitive by the Clerk Treasurer Administrator.
 - b) on purchases in excess of \$10,000.00 but not exceeding \$25,000.00, two (2) written quotations shall be obtained from appropriate suppliers on a given good

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or service. The lowest quotation should be accepted. If two (2) written quotations are not received from the appropriate suppliers, then documentation from the appropriate Department Head which indicates that a letter was forwarded to the supplier(s) requesting a quotation for the Goods, Services or Construction but none has been received, must be available to Council. A Resolution may then be approved by Council to suspend the rules of Clause D (2) (b).

- c) on purchases in excess of \$25,000.00, three (3) tenders, proposals, or written quotations shall be obtained on a given good or service. The lowest compliant bid should be accepted. The Clerk Treasurer Administrator or Designate will determine the process which shall be deemed the most economical to the Township; and if three (3) written quotations are not received from the appropriate suppliers, then documentation from the appropriate Department Head which indicates that a letter was forwarded to the supplier(s) requesting a quotation for the Goods and Services but none has been received, must be available to Council. A Resolution may then be approved by Council to suspend the rules of Clause D (2) (c).
- 3. Consultants may be used to prepare specifications for tenders, quotations, or funding applications for other Government Agencies. The services must be obtained as is defined in Section D (2) (a), (b) and (c) unless otherwise excluded.
- 4. Sole sourcing may be used, at the discretion of the Clerk Treasurer Administrator or Designate, where a specific manufacturer or brand of product is required. Sole sourcing is not to be utilized to circumvent normal purchasing procedures. Written justification in the form of Schedule "B" is required to document the reason(s) why competition should be restricted and must be approved by the Clerk Treasurer Administrator prior to purchase.
- 5. In the event of a Special Circumstance, the conditions and practices as outlined in the Policy may be waived by the Clerk Treasurer Administrator.
- 6. Employees shall consider the Accessibility Considerations identified in Schedule "C" of this Policy in all purchasing decisions.
- 7. Employees shall consider the Energy Efficiency and Conservation Considerations

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identified in Schedule “D” of this Policy in all purchasing decisions.

E. REQUEST FOR PROPOSAL

1. A Request for Proposal shall be used where one or more of the criteria for issuing a Request for Tender cannot be met such as owing to the nature of the requirement, suppliers are invited to propose a solution to a problem, requirement or objective and the selection of the supplier is based on the effectiveness of the proposed solution rather than on price alone.
2. A Request for Proposal shall contain a Receipt Confirmation Form which will contain contact information for an applicant in order for the Corporation to contact applicants with any additional information or addendums.
3. The evaluation process for Proposals will be outlined in all Requests for Proposals.
4. Every Request for Proposal shall contain an evaluation grid / evaluation criteria.
5. The Clerk Treasurer Administrator shall maintain a list of suggested evaluation criteria for assistance in formulating an evaluation grid, which criteria may include but are not limited to, factors such as approach, equipment and facilities, experience and qualifications, methodology, past performance and scheduling, price and strategy.
6. Request for Proposals shall be posted for a minimum of 15 days, unless the total project cost is estimated to exceed the thresholds identified in National Trade Agreements (See Schedule E for Additional Information).
7. Addendums to Requests for Proposals shall be provided to all applicants who submit a Receipt Confirmation Form.
8. Submissions from applicants engaged in Litigation with the Corporation shall be ineligible for participation.
9. At the opening of a Request for Proposal, no prices will be read out, but the receipt of the submissions and by whom they were submitted will be read aloud and recorded. People wishing to submit shall be advised of the time and location of the meeting.

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10. The Review Committee shall be established to review Proposals and make a recommendation to Council.

F. REQUEST FOR TENDER

1. The evaluation process for Tenders will be outlined in all Requests for Tenders.
2. A Request for Tender shall contain a Receipt Confirmation Form which will contain contact information for an applicant in order for the Corporation to contact applicants with any additional information or addendums.
3. Every Request for Tender shall contain an evaluation grid / evaluation criteria.
4. The Clerk Treasurer Administrator shall maintain a list of suggested evaluation criteria for assistance in formulating an evaluation grid, which criteria may include but are not limited to, factors such as approach, equipment and facilities, experience and qualifications, methodology, past performance and scheduling, price and strategy.
5. Request for Tenders shall be posted for a minimum of 15 days, unless the total project cost is estimated to exceed the thresholds identified in National Trade Agreements (See Schedule E for Additional Information).
6. Addendums to Requests for Proposals shall be provided to all applicants who submit a Receipt Confirmation Form.

Tenders shall be received by the Clerk Treasurer Administrator or designate and presented at a Public Meeting at a time and place indicated in the tender call. The Public Meeting shall be conducted by the Clerk Treasurer Administrator or designate who shall open the sealed tenders and read the tender amount which shall be recorded by a person designated by the Clerk Treasurer Administrator or designate.

7. Submissions from applicants engaged in Litigation with the Corporation shall be ineligible for participation.
8. The Review Committee shall be established to review Tenders and make a recommendation to Council.

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9. If the Lowest Compliant Bids from two or more bidders are identical in Total Acquisition Cost or unit price, the Clerk Treasurer Administrator or Designate is authorized to enter into negotiations with the bidders who have submitted the identical prices in an attempt to obtain a lesser price and shall maintain a record in respect of such negotiations. If negotiations are not successful in breaking the identical tenders, then the successful bidder shall be determined by a coin toss. The coin toss shall be performed in the presence of the Review Committee.
10. Where Bids are received in response to a Request for Tender but exceed project estimates, the Clerk Treasurer Administrator or Designate is authorized to enter into negotiations with the bidder with the Lowest Compliant Bid in an attempt to obtain a lesser price and shall maintain a record in respect of such negotiations.
11. The process for administering bid irregularities shall be as follows:

Irregularity	Response
Late Bid	Automatic Rejection
Bids completed and/or signed in an erasable medium.	Automatic Rejection
All required sections of Bid documents not completed.	Automatic Rejection unless in the consensual opinion of the Review Committee that the incomplete nature is insignificant.
Qualified Bids (Bids qualified or restricted by an attached statement)	Automatic Rejection unless in the consensual opinion of the Review Committee that the incomplete nature is insignificant.
Bids received on documents other than those provided or specified by the Corporation	Automatic Rejection
Bids Containing Minor Obvious Clerical Errors	48 hours to correct and initial errors
Documentation – Corporate Seal or signature missing; signatory's authority to bind the corporation or signature missing	48 hours to correct errors

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Irregularity (Continued)	Response (Continued)
Documentation – Corporate Seal and signature missing; signatory's authority to bind the corporation and signature missing	Automatic Rejection
Erasures, Overwriting or Strikeouts which are not initialled.	48 hours to correct and initial errors
Mathematical errors which are not consistent with unit prices	48 hours to correct and initial errors
Documents, in which all necessary Addenda, which have financial implication have not been acknowledged	Automatic Rejection
Any other Irregularities	The Review Committee shall have the authority to waive other irregularities or grant 48 hours to initial such other irregularities which in the consensual opinion of the Committee are considered minor.

G. EXEMPTIONS TO THE POLICY

1. The following goods and services do not require adherence to Section D.2 of this Policy:
 - a. Employee / Council Training and Education
 - Registration and Tuition fees for Conferences, Conventions, Courses and Seminars.
 - Magazines, books and periodicals unless the purchase of such products are subject to value-added services
 - b. Memberships, Refundable Employee / Councillor Expenses
 - Advances
 - Meal Allowances
 - Travel
 - Miscellaneous – Non-Travel
 - c. Employer's General Expenses
 - Payroll Deductions Remittances

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- Medical
 - Licences (Vehicle, Firearms etc.)
 - Debenture Payments
 - Grants to Agencies
 - Damage Claims
 - Petty Cash Replenishment
 - Tax Remittances
- d. Professional and Special Services
- Committee Fees
 - Legal fees and other Professional Services related to litigation or legal matters
 - Funeral and Burial expenses
 - Witness fees
 - Veterinary Expenses
 - Advertising services
 - Bailiff or Collection Agencies
 - Audit Services
 - Planning and/or GIS Professional Services
- e. Utility Charges
- Electricity
 - Natural Gas
 - Hot Water Tank Rentals
 - Water / Sewer Fees
 - Telephone / Cell Phone
 - Internet
 - Cable
- f. Postal Charges / Freight
- g. Payments under statutory authority
- h. Fines

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H. PURCHASE ORDERS AND CONTRACTS

1. The Clerk Treasurer Administrator shall establish procedures and practices for the issuance of Purchase Orders. Any such properly issued Purchase Order shall be considered a legal and binding document. Where a Purchase Order is based on a quotation, tender or Request for Proposal, such quotation, tender or proposal must appear on the Purchase Order.
2. All Purchase Orders shall show a firm unit price if applicable and a lump sum total.
3. Any formal Contract required as a result of these Policies or practices shall be reviewed by the Clerk Treasurer Administrator. This Agreement shall, at the discretion of the Clerk Treasurer Administrator, be reviewed by the Corporation's Legal Counsel.
4. Any formal Contract required as a result of these Policies or practices shall be approved by Council by By-Law and subsequently signed by the Mayor and Clerk Treasurer Administrator.

I. PETTY CASH

The Clerk Treasurer Administrator may establish in any Department a Petty Cash Fund for such amount as determined from time to time to be sufficient to make change and to pay small accounts, having regard to the requirements of the Department as per the Petty Cash Policy.

J. SURPLUS ASSETS

1. No asset shall be declared to be surplus if it can be used by any other Department, Board or Committee of the Corporation.
2. In the disposal of assets valued at more than \$1,000.00, the Department Head shall complete a "Request for Disposal of Asset" Form (Schedule "A"). This Request will be submitted to Council for review.
3. Department Heads shall dispose of assets valued at less than \$1,000.00 by advising other Department Heads of the items availability. If no Department Head requires the item, the item may be disposed of at the discretion of the Clerk Treasurer Administrator.

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4. Council is the only Corporation body empowered to declare an asset as surplus and dispose of such asset.
 5. All surplus assets will be disposed of to the best possible monetary advantage of the Corporation. These assets shall be disposed of at or near Fair Market Value, as nearly as may be possible, and such value may be established with the aid of a qualified appraiser where deemed necessary.
 6. Surplus assets shall be disposed of in the following manner.

Municipal Property (Equipment, Vehicles, Materials) will be disposed of by the method specified in the public notice (ex. Public Auction, sealed bid). The Clerk Treasurer Administrator or designate shall provide reasonable methods of public notice, including posting on the Ear Falls Government Building bulletin board and on the Township's Website / Facebook Page.

 - a) Land will be disposed of as per the Corporation's Policy governing the Sale / Disposition of Land.

Buildings will be disposed by the method specified in the public notice (ex. Public Auction, sealed bid). The Clerk Treasurer Administrator or designate shall provide reasonable methods of public notice, including posting on the Ear Falls Government Building bulletin board and on the Township's Website / Facebook Page. Council may accept a lower price than the Opinion of Value if no higher price is offered.
 7. Council may establish such terms and conditions of sale of surplus assets, as it deems advisable or necessary.
 8. Tenders or proposals for the purchase of surplus assets shall be opened as soon as possible after the closing date and time as advertised.
 9. Disposal of surplus assets shall be authorized by By-Law or Resolution or as directed by Council.
 10. The Council shall observe all procedures contained in The Municipal Act, relative to those public streets and lanes stopped up and offered for sale by the Corporation.

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K. DEVIATIONS FROM APPROVED MUNICIPAL BUDGET

1. No deviations from the approved Municipal Annual Budget shall be processed through these Policies and practices without a prior By-Law or Resolution of the Municipal Council, except in a special circumstance as provided for in this Policy.

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SCHEDULE "A" TO BY-LAW NO. 2225-19

THE CORPORATION OF THE TOWNSHIP OF EAR FALLS

REQUEST FOR DISPOSAL OF ASSET

Date: _____

Department: _____

Asset Description: _____

Manufacturer: _____

Serial No.: _____

Model: _____

Style: _____

(Estimated) Value: \$ _____

Notes / Comments: _____

The following to be completed by the Clerk Treasurer Administrator subject to direction by Council:

Approval Resolution No.: _____

Method of Disposal: _____

Date of Disposal: _____

Signature of Clerk Treasurer Administrator

Signature of Department Head

Cross Reference:

Date Approved: April 5th, 1995

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SCHEDULE "B" TO BY-LAW NO. 2225-19

THE CORPORATION OF THE TOWNSHIP OF EAR FALLS

REQUEST FOR SOLE SOURCE

The following statements, in my professional judgment, are correct. I have researched / investigated my requirements to support these findings. I also certify that no personal advantage, gain or privilege has (or will) accrued to me through the purchase from this vendor. I have reviewed the vendor's proposed costs and find those costs fair and reasonable for the technical effort proposed.

Investigator's name / signature: _____

Title: _____

Date: _____

Briefly describe the product/service you are requesting and its function.

Please select the category (or categories) that best describe your sole source requirement. Answer the questions pertaining to that category (or categories).

A. Compatibility to existing equipment, research, methodology, or training:

1. With what other material must this requirement be compatible?
2. What are the unique properties that make this the only product compatible with existing material or research?

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3. Provide any other supporting information, if applicable.

B. Only known manufacturer of this product:

1. What other manufacturers did you solicit information from?

C. Only product that will meet the requirements of the intended use although other like items exist:

1. What other manufacturers did you evaluate? Please identify the manufacturer and the product deficiencies that lead to their disqualification.
2. Provide other supporting research to document the need for this specific manufacturer, if applicable.

D. Regional Sales / Support / Service:

1. Is this the only known vendor to sell, support and/or service this type of product in this region?
2. If yes, give support of your need for immediate service as the primary requirement for vendor selection. Note: This alone will not qualify as a SSJ if there are other manufacturers that sell and service similar product within this region. Additional support would be required above.

E. Provide any additional information not furnished above that supports your specific requirements necessitating single / sole source purchase:

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SCHEDULE “C” TO BY-LAW NO. 2225-19

THE CORPORATION OF THE TOWNSHIP OF EAR FALLS

ACCESSIBILITY CONSIDERATIONS

The following accessibility criteria will be considered by municipal employees when making purchasing decisions.

Type of Purchase	Criteria to Consider
Goods	<p>Can the good be used by someone:</p> <ol style="list-style-type: none"> 1. in a seated position 2. using one hand, with limited upper body strength, or limited fine motor skills 3. with vision loss or low vision 4. with hearing loss <p>Does the product meet ergonomic standards and can it be customized to meet a variety of needs?</p> <p>Are support materials, such as manuals, training or service calls, available in accessible formats at no additional charge?</p>
Services	<p>Does the firm provide accessible customer service, as required under the Customer Service Standard?</p> <p>Can the service provider accommodate the needs of people of all abilities?</p> <ul style="list-style-type: none"> • For example, if you’re hiring someone to conduct research, do their surveys and interviews accommodate people with different types of disabilities?

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Type of Purchase	Criteria to Consider
Services (Continued)	Will the company use accessible signage, audio and/or print materials? <ul style="list-style-type: none">For example, if you're hiring an event coordinator, will they use high contrast signage for the event?
Facilities	Can someone using a mobility aid, like a wheelchair or walker, get around the facility? Are signs placed at an accessible height? Does the facility have emergency procedures to assist people with disabilities?

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SCHEDULE "D" TO BY-LAW NO. 2225-19

THE CORPORATION OF THE TOWNSHIP OF EAR FALLS

ENERGY EFFICIENCY AND CONSERVATION CONSIDERATIONS

The following energy efficiency and conservation criteria will be considered by municipal employees when making purchasing decisions.

Type of Purchase	Criteria to Consider
Goods	<p>Does the good require energy (electricity, natural gas, gasoline, diesel etc.) to operate?</p> <ul style="list-style-type: none">• Is there an Energy Star rating and is it in the low end of the energy range for the type of equipment?• Is the product efficient in its use of energy? Have alternatives been considered?• Have the long-term energy costs been considered?• Is the product appropriately sized for the use (i.e. not oversized)?• Are there procedures that should be developed to identify an action(s) that could be to be taken to reduce energy consumption (i.e. turning off electrical equipment, such as computers, at the end of the work day; anti-idling procedures)?
Services	<p>Are there any energy efficient options available?</p> <ul style="list-style-type: none">• For electrical/mechanical services, have timers, sensors been considered?
Facilities	<p>In the development of new municipal facilities or renovation of existing facilities, has consideration been given to energy efficient options (i.e. lighting retrofits, HVAC systems, replacement of motors/electrical equipment, insulation)?</p>

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SCHEDULE “E” TO BY-LAW NO. 2225-19

THE CORPORATION OF THE TOWNSHIP OF EAR FALLS

National Trade Agreement Requirements

Collection and Reporting of Procurement Statistics

Municipalities are required to collecting and maintain procurement data at or above the CFTA’s and CETA’s applicable thresholds.

What do I collect?	For what period?	When do I file?
CETA: Number and value of contracts by goods, services, or construction	1 year’s worth	Up to 2 years after
CFTA: Number and value of contracts by goods, services, or construction	1 year’s worth	Following year

For the specific conditions see Article 19.9 (Time-Periods) of CETA’s procurement chapter and Article 511 (Time Periods) of CFTA’s government procurement chapter.

Procurement Practices

- Debriefings
 - Municipalities are expected to inform all participating suppliers of the contract award decision within 72 calendar days of awarding the contract. Upon request of the supplier, Municipalities will also be expected to provide the reasons why the supplier tender was not selected.
- Bid posting and contract award requirements
 - For procurements valued at or above CETA’s monetary thresholds, you’ll be expected to post the procurement opportunity for no less than 40 calendar days. This posting time may be reduced if the following conditions are met:
 - the tender notice is published electronically
 - the tender document is posted at the same time as the tender notice and the public sector organization accepts bids electronically

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Bid Dispute

Municipalities must have an independent and impartial process in place to allow a supplier to challenge a procurement, if they believe it was not conducted in line with an applicable trade agreement's procurement rules.

This process is expected to be timely, transparent, and non-discriminatory and include the following key elements:

- The body or individuals used by the public sector organization will be independent of your organization. If your organization does not have an independent body to initially review the complaint, it should have a process in place to allow the supplier to 'appeal' to an independent body.
- A provision to preserve the supplier's right to participate in the procurement process, where appropriate (such as extending the bid submission closing time) while the complaint is reviewed.
- A provision to provide the supplier with financial compensation (which may be limited to the cost of making the complaint and/or the preparation of their bid), or provide for corrective action (such as re-evaluating the bid) depending on the circumstances, if the supplier's complaint was proven.

For the specific conditions review the bid dispute provisions in CETA (Article 19.17 – Domestic Review Procedures) and CFTA (Article 518 – Review Procedures).

Trade Agreements' Procurement Thresholds

The CETA and CFTA charts below show at what value the trade agreements' procurement rules apply and are provided for general information only.

Cross Reference:	Date Approved: April 5th, 1995
	Last Reviewed: April 3rd, 2019
	Last Revised: April 3rd, 2019, April 5th, 1995

Committee Responsibility: Review: 2027

THRESHOLDS

CANADIAN FREE TRADE AGREEMENT (CFTA) AND
CANADA-EUROPEAN UNION COMPREHENSIVE AND ECONOMIC TRADE AGREEMENT (CETA)

(January 1, 2018 – December 31, 2019)

	Procurement Type	Ministries and most Provincial Agencies (CDN\$)	Provincial Agencies of a commercial or industrial nature *	Municipalities, school boards, publicly funded academic, health and social services entities (CDN\$)
CFTA	Goods	\$25,300	\$505,400	\$101,100
	Services	\$101,100	\$505,400	\$101,100
	Construction	\$101,100	\$5,053,900	\$252,700
CETA	Goods	\$365,700	\$649,100	\$365,700
	Services	\$365,700	\$649,100	\$365,700
	Construction	\$9,100,000	\$9,100,000	\$9,100,000

*Such as the Liquor Control Board of Ontario, the Ontario Lottery and Gaming Corporation, and the Workplace Safety and Insurance Board

Notes:

CFTA and CETA thresholds are adjusted every two years, at the start of the year. They will be revised next on January 1, 2020.

Please note that the column headings in the above chart have been summarized for ease of reference. For full description and thresholds, for CFTA please visit the Internal Trade Secretariat's [Covered Procurement Thresholds webpage](#), and for CETA, please see CETA Annex 19-A – Market Access Schedule of Canada.

The monetary thresholds in CETA for covered public sector organizations whose core activities are listed in CETA, Annex 19-3 – Other Entities, Section B (for example, distribution of drinking water, treatment of wastewater, and transport or distribution of gas and heat) are \$731,400 for goods and services, and \$9,100,000 for construction. For more details, see, [CETA, Annex 19-3, Section B](#).

Cross Reference:

Date Approved: April 5th, 1995

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Review: 2027