



# AGENDA

---

## GENERAL COMMITTEE

THE CORPORATION OF THE CITY OF MISSISSAUGA

[www.mississauga.ca](http://www.mississauga.ca)

**WEDNESDAY, APRIL 4, 2012 - 9:00 AM**

COUNCIL CHAMBER – 2<sup>nd</sup> FLOOR – CIVIC CENTRE  
300 CITY CENTRE DRIVE, MISSISSAUGA, ONTARIO L5B 3C1

### Members

Mayor Hazel McCallion	
Councillor Jim Tovey	Ward 1
Councillor Pat Mullin	Ward 2
Councillor Chris Fonseca	Ward 3
Councillor Frank Dale	Ward 4
Councillor Bonnie Crombie	Ward 5
Councillor Ron Starr	Ward 6
Councillor Nando Iannicca	Ward 7 (Chair)
Councillor Katie Mahoney	Ward 8
Councillor Pat Saito	Ward 9
Councillor Sue McFadden	Ward 10
Councillor George Carlson	Ward 11

Contact:

Sacha Smith, Legislative Coordinator, Office of the City Clerk  
905-615-3200 ext. 4516 / Fax 905-615-4181  
[sacha.smith@mississauga.ca](mailto:sacha.smith@mississauga.ca)

INDEX – GENERAL COMMITTEE – APRIL 4, 2012

CALL TO ORDER

DECLARATIONS OF DIRECT (OR INDIRECT) PECUNIARY INTEREST

APPROVAL OF THE AGENDA

PRESENTATIONS

DEPUTATIONS

- A. Item 1 Susan Burt, Director, Culture Division and John Ariyo, Supervisor, Research & Projects, Culture Division
- B. Item 2 Jeff Jackson, Director, Revenue and Material Management

MATTERS TO BE CONSIDERED

- 1. Mississauga Culture on the Map
- 2. Revisions to Purchasing By-law 374-06, as amended
- 3. MiWay – University of Toronto at Mississauga (UTM) – Universal Transit Pass Program – Summer Pilot Extension 2012
- 4. Partnership Agreement with Evergreen allowing for TD Green Streets Grant (Ward 3 & Ward 6)

ADVISORY COMMITTEE REPORTS

Shark Finning Committee – Report 1-2012 – March 7, 2012

Heritage Advisory Committee – Report 3-2012 – March 20, 2012

Mississauga Cycling Advisory Committee – Report 3-2012 – March 20, 2012

Museums of Mississauga Advisory Committee – Report 2-2012 – March 26, 2012

Traffic Safety Council – Report 3-2012 – March 28, 2012

COUNCILLORS' ENQUIRIES

CLOSED SESSION

(Pursuant to Subsection 239 (2) of the *Municipal Act*)

ADJOURNMENT

CALL TO ORDER

DECLARATIONS OF DIRECT (OR INDIRECT) PECUNIARY INTEREST

APPROVAL OF THE AGENDA

PRESENTATIONS

DEPUTATIONS

- A. Item 1 Susan Burt, Director, Culture Division and John Ariyo, Supervisor, Research & Projects, Culture Division
- B. Item 2 Jeff Jackson, Director, Revenue and Material Management

MATTERS TO BE CONSIDERED

1. Mississauga Culture on the Map

Corporate Report dated March 14, 2012 from the Commissioner of Community Services with respect to a cultural resources map.

RECOMMENDATION

That the Corporate Report entitled, "Mississauga Culture on the Map", dated March 14, 2012 from the Commissioner of Community Services, be received for information.

2. Revisions to Purchasing By-law 374-06, as amended

Corporate Report dated March 20, 2012 from the Commissioner of Corporate Services and Treasurer with respect to revisions to the Purchasing By-law 374-06.

RECOMMENDATION

That the proposed changes to the Purchasing By-law 374-06, as outlined in the Corporate Report dated March 20, 2012 from the Commissioner of Corporate Services and Treasurer entitled "Revisions to Purchasing By-law 374-06, as amended" be enacted.

3. MiWay – University of Toronto at Mississauga (UTM) – Universal Transit Pass Program – Summer Pilot Extension 2012

Corporate Report dated March 19, 2012 from the Commissioner of Transportation and Works with respect to a summer pilot extension for the Universal MiWay Transit Pass Program at the University of Toronto at Mississauga.

RECOMMENDATION

1. That the Commissioner of Transportation and Works and the City Clerk be authorized to amend and affix the corporate seal on behalf of The Corporation of the City of Mississauga (the “City”) to the Universal Transit Pass Agreement between the City, the Governing Council of the University of Toronto (the “UTMSU”) to include a summer pilot program for both full and part-time students, in a form satisfactory to Legal Services, as outlined in the report dated March 19 from the Commissioner of Transportation and Works.
  2. That the Mississauga Transit Fares By-Law #354-10 be amended to reflect a Universal Pass (U-Pass) summer fee of eighty-five dollars for a transit pass.
  3. That all necessary by-laws be enacted.
4. Partnership Agreement with Evergreen allowing for TD Green Streets Grant (Ward 3 & Ward 6)

Corporate Report dated March 14, 2012 from the Commissioner of Community Services with respect to a partnership agreement with Evergreen allowing for a TD Green Streets Grant.

RECOMMENDATION

That a by-law be enacted to authorize the Commissioner of Community Services and the City Clerk to enter into a TD Green Streets agreement with Tree Canada and Evergreen on behalf of the City of Mississauga in a form satisfactory to Legal Services to implement one year tree planting and stewardship program on City land.

ADVISORY COMMITTEE REPORTS

Shark Finning Committee – Report 1-2012 – March 7, 2012  
(Recommendation SFC-0001-2012 to SFC-0006-2012)

Heritage Advisory Committee – Report 3-2012 – March 20, 2012  
(Recommendation HAC-0022-2012 to HAC-0029-2012)

Mississauga Cycling Advisory Committee – Report 3-2012 – March 20, 2012  
(Recommendation MCAC-0016-2012 to MCAC-0022-2012)

Museums of Mississauga Advisory Committee – Report 2-2012 – March 26, 2012  
(Recommendation MOMAC-0006-2012 to MOMAC-0018-2012)

Traffic Safety Council – Report 3-2012 – March 28, 2012  
(Recommendation TSC-0031-2012 to TSC-0059-2012)

COUNCILLORS' ENQUIRIES

CLOSED SESSION

(Pursuant to Subsection 239 (2) of the *Municipal Act*)

ADJOURNMENT



# Corporate Report

Clerk's Files

Originator's  
Files

---

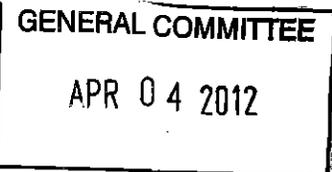
**DATE:** March 14, 2012

**TO:** Chair and Members of General Committee  
Meeting Date: April 4, 2012

**FROM:** Paul A. Mitcham, P.Eng., MBA  
Commissioner of Community Services

**SUBJECT:** **Mississauga Culture on the Map**

---



**RECOMMENDATION:** That the Corporate Report entitled, "Mississauga Culture on the Map", dated March 14, 2012 from the Commissioner of Community Services, be received for information.

**BACKGROUND:** The Mississauga Culture Master Plan, adopted by Council on June 10, 2009, established the foundation for policy decisions and strategic investments in culture for the City of Mississauga.

During the Culture Master Plan consultation process, many culture stakeholders and residents who attended public meetings expressed concerns over the lack of a dedicated source to find information about Mississauga's cultural resources and assets. To address this, the Culture Master Plan recommends the development of a Cultural Resource Map (Recommendations 30, 31, 32 and 34).

A Cultural Resource Map is a tool that displays information such as arts and culture businesses, community cultural organizations, cultural spaces and facilities, heritage properties, festivals and events, public art, local artists and other related cultural resources.

As part of the development of the Map the project team connected with about 50 major cultural and community stakeholders, groups and organizations who provided very useful feedback throughout the process. In addition, several other individual local artists and residents were also engaged. Some of the key stakeholders for the project include Mississauga Arts Council, Visual Arts Mississauga, Heritage Mississauga and the Art Gallery of Mississauga. For a complete list of stakeholders, please see: Appendix 1: List of Major Project Partners, Culture and Community Stakeholders.

The key objectives and benefits of a Cultural Resource Map include providing:

- Culture stakeholders, residents, visitors and anyone interested in culture a 24/7 dedicated source to view Mississauga cultural resources, assets and information; and
- A tool for staff to better understand sectoral resource gaps, develop relevant policies, set sustainable performance targets and establish integrated planning with other City projects and initiatives.

In March 2010, the Ontario Ministry of Tourism, Culture and Sport awarded \$40,000 to the Culture Division to assist with the development of the Mississauga Cultural Resource Map through the Creative Communities Prosperity Fund (CCPF) Grants.

Working with staff from across the corporation, including Geomatics as well as with the culture community, the key deliverables were identified and a Request for Proposals was issued in 2011. In June 2011, a Mississauga-based company, ThinkWrap Solutions Inc., was retained to develop a culture resource map portal for Mississauga. The result is the "Mississauga Culture on the Map".

**COMMENTS:**

Some of the key features and functionalities of Mississauga Culture on the Map include:

- General, Detail and Contact tabs providing information about the particular resource being viewed. Photos, icons, website links, driving directions and contacts for each resource are also displayed as applicable.

- Link to the MiWay website where the cultural resource address is automatically filled out, and users only need to specify where they are coming from in order to plan their trip on Mississauga Transit.
- Keyword and advanced searches allowing for information refinements such as sub-category information display, searching cultural resources near any particular address in Mississauga, searching by areas, postal codes, streets and other user-defined search criteria.
- The Map is embedded with Facebook, Twitter, YouTube, Flick'r and RSS.
- The portal uses Google map applications, allowing users to view the portal on their tablets and mobile devices without the need to download any additional software or plug-ins.
- City planning data is embedded to provide context such as municipal wards, demography and major city landmarks (e.g. parks, community centres, libraries, transit terminals, government offices, hospitals, fire stations, senior centres, schools, etc.)
- Site includes Frequently Asked Questions (FAQs), information about accessibility and privacy of information, with relevant links, information and contacts.
- Allows Mississauga-based culture business owners, local artists, cultural organizations, and other culture stakeholders to directly register and submit their information for staff to consider adding to the portal.
- Allows staff to generate useful reports and statistics which will facilitate future planning activities.

The creation of the Map also resulted in the completion of two other recommendations from the Culture Master Plan. Specifically, the Mississauga Cultural Resource Partnership (MCRP) was formed as a result of the many cultural and community stakeholders who were engaged in the cultural resource map development. The MCRP is a 22-member group comprised of representatives from community

organizations, culture stakeholders, educational institutions, other levels of government as well as business and other private enterprises. The goal of the MCRP is to improve communications and understanding of each other's roles and contributions to the cultural life of Mississauga. This is accomplished in part by meeting twice a year. This fulfills recommendation 32 of the Master Plan.

In addition, Recommendation 33 of the Culture Master Plan calls on the Culture Division to issue an annual culture report card profiling the state of culture in Mississauga. Mississauga Culture on the Map will be key to the success of the Culture Report Card as the portal collects and tracks cultural resources, assets and related cultural information in Mississauga. Final development of the report card is underway and will be presented to Council next month.

#### **Public Launch**

The public launch for Mississauga Culture on the Map is scheduled for Tuesday, May 1, 2012 at the Noel Ryan Auditorium, Central Library, between 10:00-12:00 noon. The Mayor and Members of Council, representatives of other municipalities, Mississauga culture stakeholders and staff are invited. Afterwards, people can visit Mississauga Culture on the Map at: [www.cultureonthemap.ca](http://www.cultureonthemap.ca)

#### **STRATEGIC PLAN:**

Mississauga Culture on the Map aligns with the City's Strategic Plan under the Pillars of Belong, Connect and Prosper. The Map is a great tool for newcomers, youth, visitors and residents to learn about different cultural resources, assets, activities and related cultural information in Mississauga – all from one single dedicated source. Furthermore, the Map also highlights concentrations of cultural hubs and districts, local cultural businesses, creative individuals and innovative partnerships.

In addition, Mississauga Culture on the Map will provide relevant cultural data and information for the annual Strategic Plan Progress Report.

#### **FINANCIAL IMPACT:**

The total cost for the development of Mississauga Culture on the Map portal was \$175,000. The Ontario Ministry of Tourism, Culture and Sport provided \$40,000 in March 2010 as a grant. The remaining \$135,000 was funded through the Culture Division's 2010/11 approved capital budget.

**CONCLUSION:**

In Mississauga, finding cultural information in will now be easier than ever before. Mississauga Culture on the Map is a “one-stop-shop” cultural information source for city residents, visitors, local artists and other culture stakeholders. The Map provides users the ability to search and display Mississauga cultural resources, assets, activities and related information on a dedicated website maintained by staff. In addition, the information provided by the Map gives staff a tool to gather and statistical data and generate reports to guide future planning initiatives. The official public launch is scheduled for May 1<sup>st</sup> at the Noel Ryan Auditorium in the Central Library. Following this the Map can be viewed at [www.cultureonthemap.ca](http://www.cultureonthemap.ca)

**ATTACHMENT:**

Appendix 1: List of Major Project Partners, Culture and Community Stakeholders



---

Paul A. Mitcham, P.Eng., MBA  
Commissioner of Community Services

*Prepared By: John Ariyo, Supervisor, Research & Project, Culture Division*



## APPENDIX 1

### LIST OF MAJOR PROJECT PARTNERS, CULTURE AND COMMUNITY STAKEHOLDERS

---

#### **Culture Organizations and Advisory Boards**

1. Mississauga Arts Council
2. Visual Arts Mississauga
3. Art Gallery of Mississauga
4. Heritage Mississauga
5. Living Arts Centre
6. Friends of the Museums of Mississauga
7. Museums of Mississauga Advisory Committee
8. Heritage Advisory Committee
9. Meadowvale Theatre Advisory Board
10. Blackwood Gallery

#### **Festival & Event Groups**

1. Carassauga Festival of Cultures
2. Southside Shuffle and Jazz Festival
3. Mosaic Festival
4. Rotary Ribfest
5. MuslimFest
6. Mississauga Waterfront Festival
7. Mississauga Children's Choir
8. Mississauga Festival Choir
9. Sampradaya Dance Creation
10. Sawitri Theatre Group
11. Orchestras Mississauga
12. Chamber Music Society

#### **Community Organizations and Ratepayer Groups**

1. Catholic Crosscultural Services
2. Citizens for the Advancement of Community Development
3. Churchill Meadow Ratepayers Association
4. Community Foundation of Mississauga
5. Community Information Partners of Peel
6. Cross Currents Indo-Canadian International Arts Organization
7. Local City Fun
8. Lakeview Ratepayers Association
9. Mississauga Residents' Association Network
10. Mississauga Theatre Alliance
11. Port Credit Association TOPCA
12. SCREEN of Peel
13. Square One Older Adult Centre

**Business Associations and Related Organizations**

1. Clarkson BIA
2. Port Credit BIA
3. Streetsville BIA
4. Mississauga Board of Trade
5. Mississauga Toronto West Tourism
6. Greater Toronto Airports Authority

**Educational Establishments**

1. Peel District School Board
2. Peel Dufferin Catholic District School Board
3. University of Toronto Mississauga (ICCIT)
4. Sheridan College

**Other Levels of Government**

1. Department of Canadian Heritage
2. Ontario Ministry of Tourism, Culture and Sport
3. Region of Peel

2.



# Corporate Report

Clerk's Files

Originator's Files

---

**DATE:** March 20, 2012

**TO:** Chair and Members of General Committee  
Meeting Date: April 4, 2012

**FROM:** Brenda R. Breault, CMA, MBA  
Commissioner of Corporate Services and Treasurer

**SUBJECT:** **Revisions to Purchasing By-law 374-06, as amended**

**GENERAL COMMITTEE**

APR 04 2012

---

**RECOMMENDATION:** That the proposed changes to the Purchasing By-law 374-06, as outlined in the Corporate Report dated March 20, 2012 from the Commissioner of Corporate Services and Treasurer entitled "Revisions to Purchasing By-law 374-06, as amended" be enacted.

**BACKGROUND:** The Purchasing By-law 374-06 is the By-law which delegates purchasing authority to staff. Staff periodically reviews the By-law to ensure that it reflects best practice and provides for effective and efficient procurement processes.

**COMMENTS:** A summary of changes proposed to the By-law are:

1. The Purchasing By-law contains three acquisition process streams based upon the value of the acquisition and associated risks. High Value Acquisitions (HVA) are acquisitions over \$100,000 and contain the most stringent processes and internal controls such as public advertising, Council approval of single/sole source procurements and greater scrutiny of the procurement by Materiel

Management staff. Medium Value Acquisitions (MVA) consist of procurements between \$5,000 and \$100,000. The solicitation of bids is less formal (e.g. three quotes required) and these are often done within the departments rather than by Materiel Management. The MVA process is designed to be somewhat less rigorous than the HVA acquisition process given the lower financial risk to the Corporation. Low Value Acquisitions (LVA) are those under \$5,000 and consist of routine, small transactions where the financial risk to the Corporation is low.

LVA transactions may be made using a blanket purchase order with preferred suppliers, a cheque requisition or as a PCard transaction. In 2010, Council enacted Corporate Policy and Procedure 04-05-10 Procurement Cards (PCards) which established the stringent internal controls and procedures governing the use of PCards.

The City receives a cash back rebate from its PCard vendor, Scotiabank, ranging from 0.65% to 1.15% per dollar of spend over \$5 million per year.<sup>1</sup> Annual PCard spending is approaching the \$5 million level. It is proposed that the LVA limit be increased from its current \$5,000 to \$10,000. Permitting the use of PCards within this higher limit will allow staff to purchase a greater range of goods and services with PCards and increase the amount of the cash back rebate to the City. Greater use of PCards will also result in a reduction in the number of blanket orders that need to be prepared and will reduce the time needed to make and pay for a purchase thereby increasing overall efficiency. To date, 454 PCards have been approved for use by staff.

2. The Purchasing By-law delegates authority to enter into contracts with bidders for all competitive purchases. Corporate Reports to Council are only required for single/sole source High Value Acquisitions. To maintain Council oversight over purchasing and to ensure the integrity of the purchasing processes, monthly information reports are provided to Council identifying all HVA procurements completed in the month. When the original By-law was developed, it required that emergency procurements between

---

<sup>1</sup> Cash back rebate calculated on a sliding scale starting at 0.65% for transactions between \$5 - \$10 million and increasing through range blocks to maximum of 1.15% for transactions above \$50 million.

\$50,000 and \$100,000 also be included in this report. During the five years of experience gained since the By-law was enacted in 2007, it has been determined that there is no need for a different threshold for emergency procurements. There are very few emergency procurements over the course of a year. Staff are proposing that there be a consistent dollar value for all of acquisitions included in the information reports provided to Council each month.

3. Section 14 of the Purchasing By-law allows staff to enter into negotiations to formalize a contract once an award has been made to a bidder. There are instances, such as a best and final offer procurement, where it is in the interests of the City to negotiate with the two highest ranked bidders prior to an award. The proposed change to the By-law will allow such negotiations to occur provided that this has been disclosed to the participating bidders in the procurement document.
4. Section 18 of the Purchasing By-law governs contract value amendments, extensions and renewals. The current version of the By-law for Medium Value Acquisitions does not permit staff to extend the length of time to complete a contract nor to increase the value of a contract above the \$100,000 MVA limit. On occasion there is a need to extend the duration of a contract as a result of inclement weather, scheduling difficulties or because of site problems discovered during the work. Similarly, there is a need to allow increases in contract value above the \$100,000 MVA limit due to the need for additional work that was not anticipated at the time the contract was entered into. The proposed changes will provide for a contract value cap of \$120,000 (original acquisition value plus increases) as well as a change in the duration of a contract. The \$120,000 limit is consistent with provisions in the By-law for High Value Acquisitions which provides for an increase in the value of a contract award by up to 20%.
5. Section 18 of the Purchasing By-law governs the circumstances under which amendments, interim extensions, renewals and terminations to commitments may be made. From time to time, Council may provide additional direction above and beyond the requirements of the section. A sentence has been added to this

section to recognize the additional direction.

6. When the original By-law was developed, it included a provision to report annually to Council on dispositions of goods and equipment (e.g. vehicles, computer equipment) to ensure transparency and that best value was obtained for the used property. Experience over the past five years has shown that there are few dispositions of goods and equipment because the City uses them until they are obsolete or worn out. Minimal or no revenue is obtained from those goods or equipment as the market is limited. In most cases, the scrap value offsets the cost of pickup and disposal or in the case of vehicles, is applied as a trade-in towards replacement vehicles. There is also a trend in more recent technology equipment contracts to require that the awarded bidder remove and recycle the equipment at the end of the product lifespan at no cost to the City. It is proposed that the requirement for the annual information report to Council be deleted.
7. Corporate Procedure and Policy 03-02-08 provides guidance to staff on how to achieve compliance with the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA). Internal Audit has recommended that the procurement processes contain steps that allow staff to identify situations where vendors collect, use or maintain personal data, and that contracts with these vendors contain provisions to protect this data. Materiel Management has developed an internal procedure to identify these situations. Schedule "C" to the Purchasing By-law requires additional wording to ensure that there is a legal review of any acquisition where personal information will be collected, accessed or maintained by the City, or by a vendor on behalf of the City.
8. Schedule "A" to the By-law provides criteria to assess whether a single source procurement is appropriate. With the completion of Celebration Square, there is a recognized need to hire one-of-a-kind or unique performers to headline events. These are negotiated single source procurements rather than proposal or tender calls for a performer for an event. An additional criterion for single sourcing which should be added to Schedule "A" of the By-law is needed to permit the acquisition of entertainment at a major City event.

9. The balance of the changes to the By-law correct wording deficiencies, provide additional guidance or streamline procedures.

The changes are outlined in Appendix 1. All changes have been reviewed by Legal Services and Internal Audit.

**FINANCIAL IMPACT:** Not applicable.

**CONCLUSION:** Changes proposed in Appendix 1 will ensure that the Purchasing By-law 374-06, as amended, will continue to reflect the best procurement practices. All proposed changes have been reviewed by Legal Services and Internal Audit.

**ATTACHMENTS:**

- Appendix 1: Summary of Proposed Changes to Purchasing By-law 374-06, as amended
- Appendix 2: Redlined version of Purchasing By-law 374-06 with proposed changes



---

Brenda R. Breault, CMA, MBA  
Commissioner of Corporate Services and Treasurer

*Prepared By: Jeffrey J. Jackson, Director, Revenue, Materiel  
Management and Business Services*

Proposed Change	Reason for Change
1(24) Delete "\$5,000" replace with "\$10,000"	Increase Low Value Acquisition limit to provide for expanded use of PCards
1(25) Insert "could give" before "the Bidder" and delete "could gain" before "an unfair advantage"	Clarity of wording
1(29) Insert "would not give" before "the Bidder" and delete "would not gain" before "an unfair advantage"	Clarity of wording
3(1)(e)(iii) Delete "where the Award for the broker has been approved by Council" and add "the City's" before "insurance broker"	Not required in purchasing by-law. Staff report annually to Council on insurance program.
8(1)(a) Add "acquiring" to read "in the acquiring Department's operating or capital budget"	Clarifies which department has accountability
8(6) Add "including the recommendation" to read "shall require the inclusion of appropriate purchasing content including the recommendation(s) in any report"	Provides additional direction
9(2) Add "including all contemplated phases of the project" to end of section.	Provides additional guidance to consider project phases, years of commitment and pilot projects when considering the scope of the procurement.
9(3) Delete "\$5,000" replace with "\$10,000"	Increase Low Value Acquisition limit to provide for expanded use of PCards
11(1) Delete "\$5,000" replace with "\$10,000"	Increase Low Value Acquisition limit to provide for expanded use of PCards
11(2) Delete "\$5,000" replace with "\$10,000"	Increase Low Value Acquisition limit to provide for expanded use of PCards
11(2)(iii) Add "if possible" to end of section	Allows for situation where it is not possible to obtain 3 written bids (eg. Vendors don't want to submit a bid).
11(2)(b)(ii) Delete "\$100,00, and", "replace with \$100,000, an"	Typing correction
11(2)(b)(iii) Delete "d" to read "an award shall"	Typing correction
11(3)(b)(ii)(D) Delete "the Award relates to the approval of master Commitments for the Acquisition of hydro electric power" and renumber	Section no longer required. Consistent with procurement of natural gas.
12(3)(c) Replace "as required und Schedule C" with "as required under Schedule C"	Typing correction
12(4)(d) Delete "and Medium Value Acquisition Emergencies over \$50,000 in value"	For consistency with Section 26 information reports
14(1)	Renumber to provide for new 14(2)

Proposed Change	Reason for Change
New 14(2) Add "In the instance of Medium Value Acquisitions or High Value Acquisitions where disclosed in the bid document, the Manager or the Buyer, in consultation with the staff members delegated with process responsibility by the Departmental Director, may enter into concurrent negotiations with more than one bidder".	New section allows staff to negotiate with more than one bidder simultaneously where this has been disclosed in the competitive bid document.
17(2) Delete "and a Departmental representative"	Public process. Operating efficiency. Attendance by a departmental representative should be as required and not mandatory.
17(4) Delete "Medium Value Acquisitions and"	Review of Bid Irregularities not required for Medium Value Acquisitions
18(1)(c) Delete "reqard", replace with "regard"	Typing correction
18(2)(c) Delete "\$100,000" replace with "\$120,000"	Caps Medium Value Acquisition value plus increases to \$120,000 from \$100,000. Provides additional flexibility to manage unanticipated increases in value.
18(2)(d) Add "of a value that, on its own or if added together with any and all previous amendments made to the Original Commitment, the cumulative value of all amendments are" to end of sentence	Clarifies intent of section
18(2)(e) Replace "Notwithstanding subsection (d), no Council approval is required if the amendment to a High Value Acquisition Commitment is:" with "Notwithstanding subsection (d) no Council approval for amendments to a High Value Acquisition is required if:"	Clarity of wording
18(2)(e)(i) Replace "to address and Unforeseen Site Condition" with "to address an Unforeseen Site Condition" and Add "the amendment is" to beginning of sentence	Typing Correction Clarity of Wording
18(2)(e)(ii) Add "the amendment is" to beginning of sentence	Clarity of wording
18(2)(e)(iii) Add "Council has otherwise provided direction on the procurement at issue"	Recognizes the situation where Council has approved alternate reporting requirements through separate by-law or resolution.
18(3)(a)(i) Delete "and Award", replace with "an Award"	Typing correction
18(3)(c) Add "except as determined in section 18(3)(a)(ii)" to end of section.	Allows contract extension for Medium Value Acquisitions where additional time is required to complete a contract and/or to make payment to a vendor.
23(1) Delete "until the next Bid opportunity occurs", replace with until after the next Bid opportunity has occurred"	Clarifies intent of section.
New 23(3) Add "Prospective bidders shall be notified of their exclusion from eligibility and shall have the right to protest in accordance with applicable City policies and procedures"	Ensures that any bidder is informed when they are ineligible to bid and provides the right to appeal.

62

Proposed Change	Reason for Change
24 Delete section	The City does not maintain a registry of bidders. The City now advertises all procurements on Biddingo, and bidders may join Biddingo to receive notice of bid opportunities for any municipality or agency which advertises bids on Biddingo. Since this is not a service exclusive to the City of Mississauga, it should not be incorporated into the by-law.
26(2) Replace “that have been approve in the previous month” with “that have been approved in the previous month” and delete “and Acquisition made under Emergencies”	Typing Correction. Reference to emergency acquisitions not required since included in High Value Acquisitions (see also 12(4)(d)).
26(3) Delete section	Annual report summarizing the disposition of all surplus Goods is not required due to the small number of items disposed of each year.
New Schedule “A” 1(b)(xv) Add “The Acquisition is for entertainment at a major City event” and add “or” before section.	Section required to provide for single source procurement of entertainers for Celebration Square.
Schedule “B” Replace “\$5,000” with \$10,000”, “\$5,001” with “\$100,001”, “\$100,000” in Note A with “\$120,000”, replace “the value of which amendment is less than \$100,000” with “the value of which amendment plus all other previous amendment to that Original Commitment, is less than \$100,000” and add “other” after “For any” and before “amendment” delete “that is over \$100,000 and greater than 20% of the Original Commitment, or for any amendment of a High Value Acquisition Commitment that is over \$1,000,000 (irrespective of its percentage to the Original Commitment).”	Revisions to be consistent with changes in other sections.
Schedule “C” Add “(including any amendments thereof)” after “type of acquisitions” and before “shall be prepared”.	Clarifies that legal review of commitments/amendments is also required
Renumber Schedule “C” 7 to 8	To accommodate new 7
New Schedule “C” 7 Add “Acquisitions where Personal Information will be collected, accessed or maintained by the City or by a Vendor on behalf of the City; and”	To implement audit recommendation #4 from Privacy Audit

**THE CORPORATION OF THE CITY OF MISSISSAUGA**  
**PURCHASING BY-LAW 374-06**

**INDEX**

SECTION 1 - DEFINITIONS .....2

SECTION 2 - MONETARY REFERENCES .....5

SECTION 3 - APPLICABILITY .....5

SECTION 4 - ETHICS IN PURCHASING .....6

SECTION 5 - AUTHORITIES AND DUTIES OF PURCHASING AGENT .....6

SECTION 6 - CONFLICTS OF INTEREST .....7

SECTION 7 - CITY OF MISSISSAUGA'S PURCHASING PRINCIPLES.....7

SECTION 8 - FUNDING AND COMMITMENTS .....8

SECTION 9 - PLANNING FOR ACQUISITION.....8998

SECTION 10 - ACQUISITIONS FROM INTERNAL SOURCES.....9

SECTION 11 -COMPETITIVE ACQUISITIONS .....91010109

SECTION 12 -NON-COMPETITIVE ACQUISITIONS, (SINGLE/SOLE SOURCE AND EMERGENCY) .....12

SECTION 13 - CANCELLING AND REISSUING BID REQUESTS.....1516161615

SECTION 14 - NEGOTIATIONS .....1616171716

SECTION 15 - COMPLAINTS AND BIDDER PROTESTS .....1617171716

SECTION 16 - POINT OF CONTACT .....1617171716

SECTION 17 - RECEIPT AND OPENING OF BIDS .....17171817

SECTION 18 - CONTRACT VALUE AMENDMENTS, EXTENSIONS, OR RENEWALS .....18181918

SECTION 19 - UNSOLICITED QUOTATIONS, TENDERS OR PROPOSALS .....2020212120

SECTION 20 - CO-OPERATIVE ACQUISITION.....2020212120

SECTION 21 - SPECIAL RELATIONSHIPS.....2021212120

SECTION 22 - VENDOR COMPLAINTS AND VENDOR PERFORMANCE.....21212221

SECTION 23 - DISQUALIFICATION OF BIDDERS .....2121222221

SECTION 24 - BIDDER REGISTRATION.....212222221

SECTION 25 - DISPOSITION OF SURPLUS GOODS.....212222221

SECTION 26 - INFORMATION REPORTS .....2222322

SECTION 27 - RECORDS.....22232322

SECTION 28 - REVIEW COMMITTEES.....22232322

SECTION 29 - SEVERING.....22232322

SECTION 30 - GENERAL .....22232322

2i



**THE CORPORATION OF THE CITY OF MISSISSAUGA  
PURCHASING BY-LAW NUMBER 374-06**

(amended by 92-10, 120-10)

**WHEREAS** the *Municipal Act 2001*, S.O. 2001, c. 25, Part VI, Section 271 stipulates that municipalities and local boards shall adopt policies with respect to their acquisition of goods and services;

**AND WHEREAS** The Corporation of the City of Mississauga has hereby undertaken a comprehensive review of its purchasing processes to identify accountability, transparency, and efficiency improvements;

**AND WHEREAS** the Council of The Corporation of the City of Mississauga deems it desirable to repeal, in its entirety, By-law 613-91, as amended, and pass a new by-law with respect to the acquisition of goods and services, and the disposition of surplus goods;

**NOW THEREFORE** the Council of The Corporation of the City of Mississauga **ENACTS** as follows:

**SECTION 1 - DEFINITIONS**

1. In this by law, the following terms shall have the meanings indicated:
  - (1) **“Acquisition”** means the acquisition by purchase, lease, rental or exchange transaction of Goods and/ or Services. (120-10)
  - (2) **“Applicable Law”** means any applicable federal, provincial or municipal law, statutes, by laws, regulations, rules, lawful orders or lawful directives applicable in Ontario from time to time.
  - (3) **“Award”** means the selection of the Bidder and the Bidder’s Goods and/or Services, as accepted by the City. (120-10)
  - (4) **“Best Value”** means the optimal value balance of efficiency, performance and cost having regard to the City’s objectives in respect of the Acquisition timing, quality and quantity as well as the procurement process and evaluation criteria for the Acquisition. (120-10)
  - (5) **“Bid”** means an offer or submission from a Bidder received in response to a Bid Request.
  - (6) **“Bid Request”** means a solicitation from the City to external suppliers to submit a quotation, tender, proposal, or best and final offer.
  - (7) **“Bidder”** means any legal entity submitting a Bid.
  - (8) **“Buyer”** means a buyer in Materiel Management assigned responsibility for a particular Acquisition.
  - (9) **“City”** means The Corporation of the City of Mississauga.
  - (10) **“City Manager”** means the City Manager of the City and any person to whom the authority of the City Manager is subsequently delegated by Council and includes any person who has been authorized, in writing, to temporarily act as City Manager during absence or vacancy in that office.
  - (11) **“City Standard”** means specific Goods approved by Council that best fill a long-term City-wide need or requirement. (92-10)
  - (12) **“Commitment”** means a contract to acquire, or potentially acquire, Goods and/ or Services. (120-10)

- (13) **“Co-operative Acquisition”** means a procurement process conducted jointly by the City and one or more Public Bodies. (120-10)
- (14) **“Council”** means the council of the City. (120-10)
- (15) **“Department”** (“Departmental”) means an organizational unit of the City headed by a Department Head.
- (16) **“Department Head”** means the City Manager and any of the Commissioners appointed by Council with administrative responsibility for a Department and includes any person who has been authorized, in writing, to temporarily act during absence or vacancy in that office.
- (17) **“Departmental Director”** means a Divisional director in a Department and includes any person who has been authorized, in writing, to temporarily act during absence or vacancy in that office. (120-10)
- (18) **“Departmental Manager”** means a sectional manager in a Department who has been delegated with cost centre approval up to \$50,000 by the Department Head.(120-10)
- (19) **“Division”** or **“Divisional”** means a division within a Department. (120-10)
- (20) **“Emergency”** means a situation where it has been determined that a threat to public health, or life, or property or the environment exists such that the immediate Acquisition of Goods and/ or Services is essential to prevent serious delays, or damage to persons or property, or to restore or maintain essential City services. (120-10)
- (21) **“Goods”** means goods of all kinds, including both tangible and intangible goods, and shall include supplies, materials, equipment, structures and fixtures to be delivered, installed and/ or constructed, and licences. (120-10)
- (22) **“High Value Acquisition”** means an Acquisition of Goods and/ or Services having a value of more than \$100,000, and that is not a Medium Value Acquisition as approved by the Purchasing Agent or Council under section 11(2). (120-10)
- (23) **“Legal Services Division”** means the City’s Legal Services Division. (120-10)
- (24) **“Low Value Acquisition”** means an Acquisition of Goods and/ or Services having a value of \$510,000 or less. (120-10)
- (25) **“Major Irregularity”** means a deviation from a Bid Request which, as determined by the Manager is substantial and material to the Award, and which if permitted, could give the Bidder ~~could gain an unfair~~ advantage over competitors. (120-10)
- (26) **“Manager”** means the person holding the management position of Manager, Materiel Management and includes any person who has been authorized, in writing, to temporarily act during absence or vacancy in that office.
- (27) **“Materiel Management”** means an organizational unit of the Department of Corporate Services responsible for all Acquisitions of Goods and Services for the City.
- (28) **“Medium Value Acquisition”** means an Acquisition of Goods and/ or Services that has a value of less than \$100,000 and that is not a Low Value Acquisition or that has a value of more than \$100,000 but is otherwise approved by the Purchasing Agent or Council in accordance with section 11(2). (120-10)
- (29) **“Minor Irregularity”** means a deviation from a Bid Request which, as determined by the Manager, affects form rather than substance, with no material impact to the Award, and which if permitted, would not give the Bidder ~~would not gain an unfair~~ advantage over competitors. (120-10)

2K

- (30) **“Original Commitment”** means the Commitment made after an Award, and does not include any amendments or interim extensions, or renewals made to the Commitment. (120-10)
- (31) **“Public Body”** means any local board, commission, non-profit corporation or municipal or government entity and shall include any corporation of which the City is a shareholder or any one of them alone or in any combination of them acting together.
- (32) **“Publicly Advertised Bid Process”** means the advertising by the City of Bid Requests in print publications widely available to the public or on the internet. (120-10)
- (33) **“Purchasing Agent”** means the Director of Revenue and Materiel Management whose responsibility it is to supervise and carry out the Acquisition function on behalf of the City. In the absence of the Director of Revenue and Materiel Management, the responsibility shall be carried out by the Commissioner of Corporate Services. (120-10)
- (34) **“Request for Best and Final Offer”** means a multi-stage procurement process that contemplates a final stage whereby the short-listed vendors may submit a best and final offer for the City’s evaluation and final selection. (120-10)
- (35) **“Request for Expression of Interest”** means a request which will be used to determine the interest of the market place to provide Goods and/ or Services which the City is contemplating purchasing and may result in a result in the determination of a short list of Bidders to respond to a Bid Request. (120-10)
- (36) **“Request for Information”** means a request which will be used as a general market research tool to determine what Goods and/ or Services are available which will meet business or operational requirements and Acquisition strategies and/or to estimate project costs for the purpose of developing a Bid Request. (120-10)
- (37) **“Request for Pre-Qualification”** means a request with specific qualification criteria which will be used to identify and pre select Bidders, where the experience and qualifications of the Bidders must be clearly established and verified prior to bidding.
- (38) **“Request for Proposal”** means a request which will be used to obtain a Bid or Bids for Goods and/ or Services in cases where the City can specify the performance requirements but the bidders must determine the optimal approach and the quantity and quality of their Goods or Services based on their particular attributes. (120-10)
- (39) **“Request for Quotation”** means a request which will be used to obtain a Bid or Bids in cases where the City has determined the quantity and quality of the Goods and/ or Services for Low or Medium Value Acquisitions or Single/Sole Source Acquisitions of any value. (120-10)
- (40) **“Request for Tender”** means a request which will be used to obtain irrevocable Bids for Goods and/ or Services for High Value Acquisition in cases where the City has determined the quantity and quality of the Goods and/ or Services. (120-10)
- (41) **“Single/Sole Source”** means an Acquisition permitted under the distinct and unique circumstances set out in Schedule "A" attached hereto.
- (42) **“Senior Buyer”** means a Buyer in Materiel Management accorded the title of Senior Buyer.
- (43) **“Services”** means services of all kinds, including labour, construction, maintenance and professional and consulting services. (120-10)

- (44) **“Unforeseen Site Condition”** means a pre-existing condition of the site (in which construction work is to take place/taking place in accordance with a Commitment) that was not anticipated despite best efforts in planning for the Acquisition and that would require additional work to be conducted on the site. (120-10)
- (45) **“Vendor”** means a legal entity with whom the City has entered into a Commitment.

## SECTION 2 - MONETARY REFERENCES

2. (1) All references to dollar amounts in this by-law are to Canadian dollars.
- (2) For Bid evaluation purposes, all Bids submitted in currencies other than Canadian dollars shall be converted to Canadian dollars, at the exchange rate established by the Finance Division of the Corporate Services Department at the date of Bid closing.
- (3) All references to dollar amounts in this by-law do not include applicable taxes. (120-10)

## SECTION 3 - APPLICABILITY

3. (1) The provisions of this by-law shall apply to all Acquisitions of Goods and/ or Services undertaken by or on behalf of Departments, excluding: (120-10)
- (a) real estate;
- (b) consulting or professional services that are delivered in a manner which constitutes an employer/employee relationship, in accordance with City policies and procedures as amended from time to time;
- (c) Acquisitions related to reimbursable expenses incurred by employees or elected officials in accordance with City policies and procedures as amended from time to time;
- (d) professional and other services limited to: (120-10)
- (i) legal services and other professional services required for the provision of legal services, as required by the City Solicitor or designate;
- (ii) professional services related to the defence of an insurance claim made against the City, as required by the Manager, Risk and Insurance;
- (iii) arbitrators;
- (iv) realty appraisers;
- (v) court reporters;
- (vi) honoraria; and
- (vii) committee fees.
- (e) general City expenses limited to: (120-10)
- (i) postal charges;
- (ii) any payments made by the City under statutory authority (for example licences);
- (iii) insurance premiums for insurance procured through ~~an~~ the City's insurance broker ~~where the Award for the broker has been approved by Council~~; and
- (iv) legal and insurance settlements.

2m

- (2) No Commitment shall be entered into, no debt shall be incurred, no expenditure shall be made and no account shall be paid in respect of a Commitment for Goods and/ or Services except in accordance with the provisions of this by-law.(120-10)
- (3) City Acquisitions shall be conducted in accordance with this by-law and City policies including its policies on purchasing, employee conduct, financial matters, the environment, health and safety and records management. (120-10)
- (4) Delegation of responsibility under this by-law shall only occur as specifically provided.

#### **SECTION 4 - ETHICS IN PURCHASING**

4. (1) The Purchasing Agent and Materiel Management staff shall comply with the codes of purchasing ethics established by the National Institute of Governmental Purchasing, Inc. and the Purchasing Management Association of Canada in respect of all Acquisition processes.
- (2) The City adheres to and insists upon adherence to a strict ethical standard in all City Acquisitions by all Bidders and Vendors. All Bidders and Vendors shall be required to become knowledgeable with and adhere to the City's policies in this regard, as may be amended from time to time.

#### **SECTION 5 - AUTHORITIES AND DUTIES OF PURCHASING AGENT**

5. The Purchasing Agent shall have the authority and be responsible, either directly or through permitted delegation to Materiel Management staff, for: (120-10)
  - (a) overseeing corporate Acquisition and developing corporate standards for the City's Goods and/ or Services if such standards are practicable and will achieve better financial value for the City; (120-10)
  - (b) ensuring that responsible Departmental staff, Bidders, and Vendors are aware of the ethical standards relating to purchasing and that adherence to those standards is maintained; (120-10)
  - (c) co-ordinating Medium and High Value Acquisition services including special Acquisition initiatives involving corporate administration and governance;
  - (d) establishing standards and evaluation committees to deal with procurement processes for corporate-wide Acquisitions;
  - (e) providing training for responsible Departmental staff; (120-10)
  - (f) determining, in accordance with all related policies and procedures as may be adopted or provided from time to time, the appropriate Acquisition method by which Goods and/ or Services should be acquired, including the form of any Commitment, in consultation with the Legal Services Division, the circumstances and means for the pre-selection of equipment and materials, and the pre-qualification of Bidders; (120-10)
  - (g) developing and maintaining all policies, procedures, directives, and practices and advising Bidders and all staff involved;
  - (h) providing professional advice and guidance, including strategic advice, fairness monitoring and advice on Vendor performance and contract implementation issues, to Departments in respect of Acquisitions;
  - (i) reporting to Council as required, pursuant to the provisions of this by-law;
  - (j) monitoring Departmental compliance with this by-law; and
  - (k) the receipt, custody and safe keeping of all Acquisition Commitments, Award reports, and specified evaluation documentation for Medium Value Acquisitions and High Value Acquisition. (120-10)

**SECTION 6 - CONFLICTS OF INTEREST**

- 6. (1) Elected officials shall comply with the *Municipal Conflict of Interest Act* and officers and employees of the City shall comply with City policies on conflict of interest.
- (2) At any time during an Acquisition, beginning with the planning stage as set out in Section 9 of this by-law, through to the Award and Commitment stage, no person shall accept, directly or indirectly, from any person or organization to which any Acquisition is, or might be awarded, any thing of any value including rebates, gifts, meals, money or special privileges.
- (3) No preference will be given to providers or suppliers who provide unsolicited products or samples to the City or who demonstrate the operation of such products or samples.
- (4) With respect to the disposal of surplus items, no City employee or member of such employee's family may acquire an item if the employee was responsible for declaring the item surplus to the City's needs; or is or was otherwise involved in the disposal of such items.

**SECTION 7 - CITY OF MISSISSAUGA'S PURCHASING PRINCIPLES**

- 7. The City of Mississauga's purchasing principles are:
  - (a) Acquisition processes shall be efficient, effective, objective, and accountable;
  - (b) Transparency and fairness shall be ensured, and competitive value maximized, through full and open procurement processes;
  - (c) The Acquisition of Goods and Services shall be conducted in an unbiased way not influenced by personal preferences, prejudices or interpretations;
  - (d) Efforts shall be made to achieve the Best Value for the City; (120-10)
  - (e) Acquisition processes and approvals of Awards shall not be conducted by the same individual and, at all times the Departmental Director shall ensure segregation of process and Award Functions; (120-10)
  - (f) The total cost of purchasing, maintenance, continuing support, repair, staff training, operation, disposal, and other related costs shall be considered, rather than only the lowest invoice price;
  - (g) Efforts shall be made to acquire Goods and Services which will conserve energy and help to preserve and protect the ecosphere;
  - (h) The Acquisition of Goods and Services shall be conducted in a manner which will promote, and incorporate whenever possible, the requirements of the *Accessibility for Ontarians with Disabilities Act, 2005*. (120-10)
  - (i) The Acquisition of Goods and Services shall be conducted in accordance with the requirements of the *Municipal Freedom of Information and Protection of Privacy Act, the Municipal Act, 2001, Business Discrimination Act*, as may be applicable;
  - (j) The Acquisition of Goods and Services shall be conducted in compliance with international/interprovincial trade treaties or agreements, as applicable, including the *North American Free Trade Agreement, the Agreement on the Opening of Public Acquisition for Ontario and Quebec and the Agreement on Internal Trade*. (120-10)

**SECTION 8 - FUNDING AND COMMITMENTS**

8. (1) No Commitment shall be entered into in respect of an Acquisition unless:
- (a) funding for the Acquisition has been authorized by Council in the acquiring Department's operating or capital budget; or
  - (b) special funding for the Acquisition has been approved by Council; or
  - (c) the Commitment is made conditional upon funding approval by Council.
- (2) Where Acquisitions are contingent upon funding from external parties, the funding arrangement shall be verified, in writing, prior to any Acquisition process being undertaken.
- (3) The form and content of the Commitment and ancillary documents and agreements shall be approved by the Purchasing Agent, the Manager or the Buyer, in accordance with Schedule "B", prior to execution of the Commitment. Form and content of all Commitments as described in Schedule C shall be drafted in concert with the Legal Services Division. The Commitment shall clearly specify any and all consideration being paid to the Vendor as a result of the Acquisition Award, including the maximum allowable upset amount where the precise requirement is not yet fixed. (120-10)
- (4) The total value on the form of Commitment shall not in any event exceed the total amount approved in accordance with this by-law.
- (5) The Departmental staff responsible for the Acquisition shall ensure that no Goods or Services are ordered, requested, delivered or performed until after a Commitment is executed in accordance with this bylaw. (120-10)
- (6) Where Council approval for an Award is required, the Purchasing Agent may specify the form and shall require the inclusion of appropriate purchasing content, including the recommendation(s), in any report.
- (7) Commitments having a term in excess of ten (10) years shall require the approval of Council.
- (8) Repealed by 120-10

**SECTION 9 - PLANNING FOR ACQUISITION**

9. (1) The acquiring Department shall, prior to initiating any Acquisition process for Goods and/ or Services: (120-10)
- (a) ensure that the Goods and/ or Services are legitimately required for City purposes; and (120-10)
  - (b) consider short and long-term requirements with respect to quantities and time lines, or total project cost considering the life span of the program; and
  - (c) consider the cost of ongoing maintenance, support, and licensing etc. requirements; and
  - (d) confirm availability of funding; and
  - (e) allow sufficient time to complete the Acquisition as may be stipulated by City policy or directive, as amended from time to time.
- (2) Where Goods and/ or Services of the same kind or type are required in connection with one project, all of those Goods and Services shall be included in determining the estimated value of the Acquisition, including all contemplated phases of the project. (120-10)

- (3) The Departmental Manager, in respect of competitive Acquisitions over \$510,000 and up to \$50,000, shall execute all planning documentation stipulated by the Manager.
- (4) The Departmental Director shall be responsible for directing and overseeing all Departmental Acquisition processes and shall execute all planning documentation stipulated by the Manager for all competitive Acquisitions over \$50,000 and all High Value and Single/Sole Source Acquisitions whether planned or on an Emergency basis.
- (5) With respect to Medium Value Acquisitions and High Value Acquisitions, the Department shall prepare detailed specifications and quantity requirements with the underlying premise of encouraging full, open and fair competition. (120-10)
- (6) Acquisitions shall not be divided to avoid the requirements of this by-law.
- (7) The Purchasing Agent shall determine, in consultation with the acquiring Department, whether the Acquisition should be conducted so as to establish a City Standard, in accordance with the applicable City policies and procedures as may be amended from time to time. (120-10)
- (8) The Purchasing Agent may require that the Department report to Council prior to undertaking an Acquisition process or an Award, based on an evaluation of potential risk to and/or opportunity for the City.
- (9) Legal advice from Legal Services Division shall be sought for Acquisitions that are of the type as provided in Schedule "C". (120-10)

**SECTION 10 - ACQUISITIONS FROM INTERNAL SOURCES**

- 10. (1) Goods and Services which are available from existing corporate services or supply centres, such as the print shop, central stores, etc. shall not be obtained from other suppliers unless there is a compelling requirement for an alternate source Acquisition.
- (2) Goods and Services which are available from existing corporate Commitments, such as office supplies, courier services, etc. shall not be obtained from other suppliers unless there is a compelling requirement for an alternate source Acquisition.
- (3) Internal or in-house Bids, whereby an internal Department competes with external Bidders for Acquisition opportunities, may only be considered where Council considers it appropriate to do so and has provided approval prior to the Bid process. Any and all such internal or in-house Bids shall comply with this by-law, City policies, and procedures as amended from time to time. (120-10)

**SECTION 11 - COMPETITIVE ACQUISITIONS**

- 11. (1) Low Value Acquisitions (\$510,000 or less)
  - (a) General
    - (i) Low Value Acquisitions shall be conducted by staff specifically delegated with this responsibility by the Departmental Director, with the assistance of a Buyer as needed, and which Acquisition shall be conducted strictly in accordance with this by-law, City policies and procedures, as amended from time to time. (120-10)
    - (ii) The Manager or designate shall monitor Low Value Acquisitions for compliance with relevant City policies and procedures as amended from time to time, and shall:

29

- A. advise Departmental Directors of any issues with respect to Low Value Acquisitions; and
- B. make recommendations to the Purchasing Agent on the need for corporate contracts; and
- C. advise Departmental Directors of relevant information such as existing corporate suppliers, timing, appropriate Acquisition methods, surety and insurance requirements, disqualified Vendors, etc.

(b) Award and Commitment

- (i) The Departmental Director shall ensure that a separate staff member, with City authority to manage cost centres, is responsible for approving the Commitment in accordance with Schedule B. (120-10)

(2) Medium Value Acquisitions (more than \$105,000 and up to \$100,000)

(a) General

- (i) Departmental Staff members delegated with process responsibility shall consult with a Buyer when planning a Medium Value Acquisition in accordance with City policies and procedures. Buyers shall provide direction with respect to the proper Acquisition process to ensure Best Value Awards which may include direction as to existing suppliers, timing, evaluation criteria, surety and insurance requirements, disqualified Bidders, and the consideration of additional Bidders, among others.
- (ii) Medium Value Acquisitions must be conducted by the issuance of a written Bid Request and shall be in compliance with City policies and procedures, as amended from time to time.
- (iii) Medium Value Acquisition processes may be conducted by the Departmental staff members delegated with process responsibility by the Departmental Director, through the competitive bid process and obtaining three (3) written Bids if possible. (120-10)
- (iv) For all Medium Value Acquisitions with a dollar value of more than \$50,000, a Buyer shall review and finalize the Bid Request prior to issuance.
- (v) Following Bid evaluation, prior to an Award being made, a Buyer shall review the Acquisition process which was undertaken to ensure that it meets the requirements of this by-law and relevant City policies and procedures, as amended from time to time.

(b) Approval and Award

- (i) Following Bid evaluation and determination of the Best Value Bid, the applicable Departmental staff as provided in Schedule B shall execute the Bid Award form as set out by the Purchasing Agent to indicate that funds are available for the Acquisition, that the Acquisition process was conducted in accordance with this by-law, and that the Award is approved by the Department. (120-10)
- ii) If despite best efforts to estimate the cost of the Acquisition, the Best Value Bid exceeds \$100,000, an Award without Council approval may be made subject to all of the following conditions: (120-10)

- A. The Purchasing Agent is satisfied that all relevant considerations are taken into account throughout the planning and Acquisition phases, such that: a) the planning process and the cost estimation made prior to engaging in the Medium Value Acquisition process were

2r

appropriate; and b) that the Acquisition process itself were conducted properly. (120-10)

- B. The total amount of the Best Value Bid is \$120,000 or less, exclusive of taxes. (120-10)
- C. The Acquisition is in compliance with all other provisions of this by-law. (120-10)

iii) In addition to the signing requirements in section 11(2)(b)(i), and Award shall only be made after the applicable Materiel Management staff as provided in Schedule B confirms that the Acquisition process meets the requirements of this by-law. (120-10)

(c) Commitment

(i) The applicable Materiel Management staff as provided in Schedule B is authorized to execute Commitments in respect of Medium Value Acquisitions when: (120-10)

- A. the Award has been approved in accordance with this by-law; and
- B. satisfactory terms and conditions have been obtained and agreed to; and
- C. the complete price and costing information has been identified; and
- D. an upset limit or total as well as the basis for approving work or receipts and releasing payment are clearly established; and
- E. there are no unresolved Bid Protests; and
- F. confirmation from the Departmental Manager or Director (as applicable in accordance with Schedule B) that funds are available, within existing approved budgets, without detrimental impact or elimination of any other planned Acquisition; and (120-10)
- G. verification that the Bid is the Best Value Bid from amongst the Bids submitted; and (120-10)
- H. the form of the Commitment has been prepared in concert with the Legal Services Division if the Commitment is for an Acquisition listed in Schedule C. (120-10)

(ii) Where any of the conditions listed in Section 11(2)(c)(i) above have not been met, then Council approval must be obtained through submission of a report from the Department Head, which shall include the advice of the Purchasing Agent as contemplated in Section 8(6) prior to executing the Commitment. (120-10)

(3) High Value Acquisitions (more than \$100,000)

(a) General

- (i) The Buyer is responsible for determining the method, conducting and managing all High Value Acquisitions including the evaluation process and the maintenance of information and results.
- (ii) The staff member delegated with process responsibility by the Departmental Director is responsible for developing the specifications or statement of work and quantity requirements. The Manager or the Buyer is responsible for reviewing the specifications and quantity requirements, developing appropriate Bid Request requirements, evaluation method and criteria and

25

conducting the Bid process ensuring that the purchasing principles outlined in Section 7 are followed. (120-10)

- (iii) A Publicly Advertised Bid Process must be initiated. The methods for calling Bids include, but are not limited to:
- A. Request for Information;
  - B. Request for Expression of Interest;
  - C. Request for Pre-Qualification;
  - D. Request for Tender;
  - E. Request for Proposal;
  - F. Request for Best and Final Offer; or
  - G. A multi-step process which may involve a combination of the above.

(b) Approval and Award

- (i) The Manager or Purchasing Agent, as applicable in accordance with Schedule "B", is responsible for approval of the Acquisition process, which shall include confirmation of the following: (120-10)
- A. Department Head approval of the Award; and
  - B. verification that the Acquisition, was conducted in accordance with this by-law, and
  - C. identification of complete price and costing information; and
  - D. identification of an upset limit or total expenditure as well as the basis for approving work or receipts and releasing payment; and
  - E. approval by the Department Head or designate of the operational terms and conditions; and
  - F. confirmation from the Department Head that funds are available, within existing approved budgets, without detrimental impact or elimination of any other planned Acquisition; and
  - G. verification that the Bid is the Best Value Bid from amongst the Bids submitted; and (120-10)
  - H. there are no unresolved Bidder protests.
- (ii) In addition, Council approval of the Award is required when:
- A. funds are not available; or
  - B. the Bid is not the Best Value Bid of the Bids submitted; or (120-10)
  - C. there are unresolved Bidder protests; or
  - D. ~~the Award relates to the approval of master Commitments for the Acquisition of hydro electric power;~~
  - E-D. ~~the term of the Commitment exceeds ten (10) years; or~~
  - F-E. ~~at the discretion of the Purchasing Agent.~~

- (iii) When Council approval of the award is required as outlined above, the Department Head shall report to Council as stipulated by Section 8(6). (120-10)

(c) Commitment

The Manager or Purchasing Agent, as applicable in accordance with Schedule B, shall execute Commitments in respect of High Value Acquisitions when the Acquisition has been approved in accordance with section 11(3)(b) and the form of the agreement has been prepared in concert with the Legal Services Division as required under Schedule C. (120-10)

**SECTION 12 – NON-COMPETITIVE ACQUISITIONS (SINGLE/SOLE SOURCE AND EMERGENCY)**

12 (1) General

- (i) An Acquisition may only be conducted using a Single/Sole Source Vendor if the Acquisition meets the specific criteria set out in Schedule “A”. (120-10)
- (ii) The Purchasing Agent or Manager shall have the final right of determination as to whether an Acquisition meets the relevant criteria. (120-10)
- (iii) This section applies to Medium Value Acquisitions and High Value Acquisitions only. Low Value Acquisitions are not required to meet with the Schedule “A” criteria. (120-10)

(2) Medium Value Single/Sole Source Acquisitions

(a) General

- (i) Departmental staff members delegated with process responsibility shall consult with a Buyer when planning a Single/Sole Source Medium Value Acquisition in accordance with City policies and procedures. Buyers shall provide direction with respect to the proper Acquisition process to ensure a Best Value Award which may include direction as to the appropriateness of a competitive process, existing suppliers, timing, evaluation criteria, surety and insurance requirements and disqualified Bidders. (120-10)
- (ii) A written Bid Request shall be issued, prior to any negotiations or entering into a Commitment, to clearly set out the requirements and to be used as a basis for determining terms and conditions.
- (iii) Following Bid evaluation, prior to an Award being made, a Buyer shall review the Acquisition process which was undertaken to ensure that it meets the requirements of this by-law and relevant City policies and procedures, as amended from time to time.

(b) Approval and Award

- (i) Following Bid evaluation and determination of an acceptable Single/Sole Source Bid, the applicable Departmental staff as provided in Schedule B shall execute the Bid Award form as set out by the Purchasing Agent to indicate that funds are available for the Acquisition and that the Award is approved by the Department. Justification, as specified in Schedule A, shall be cited in writing. (120-10)
- (ii) In addition to the approval process under section 12(2)(b)(i), the Manager or Purchasing Agent, as applicable under Schedule B, shall review the Acquisition process and justification to ensure that

2u

the requirements of this by-law and relevant City policies and procedures, as amended from time to time, have been met. (120-10)

(c) Commitment

- (i) The Buyer or Manager, as applicable under Schedule B, is authorized to execute Commitments in respect of Single/Sole Medium Value Source Acquisitions when: (120-10)
  - A. the Award has been approved in accordance with this by-law; and
  - B. satisfactory terms and conditions have been obtained and agreed to; and
  - C. the complete price and costing information has been identified; and
  - D. an upset limit or total as well as the basis for approving work or receipts and releasing payment are clearly established; and
  - E. the form of the Commitment has been prepared in concert with the Legal Services Division if the Commitment is for an Acquisition listed in Schedule C.
- (ii) Where any of the conditions listed in Section 12(2)(c) (i) have not been met, then Council approval must be obtained through submission of a report from the Department Head, which shall include the advice of the Purchasing Agent as contemplated in Section 8(6) prior to Commitment. (120-10)

(3) High Value Single/Sole Source Acquisitions

(a) General

- (i) The staff member delegated with process responsibility shall prepare a justification and shall obtain approval from the Manager or Senior Buyer that the proposed Acquisition meets the Schedule "A" criteria in advance of the submission of specifications to Materiel Management.
- (ii) The staff member delegated with process responsibility by the Departmental Director is responsible for developing the specifications, quantity requirements and statement of work. The Manager or the Buyer is responsible for reviewing the specifications and quantity requirements, developing appropriate Bid Request requirements, evaluation method and criteria and conducting the Bid process ensuring that the purchasing principles outlined in Section 7 are followed. (120-10)
- (iii) A Bid Request shall be issued to the selected Vendor, prior to negotiation or the entering into of a Commitment, to clearly set out the requirements and to be used as a basis for determining terms and conditions. (120-10)

(b) Approval and Award

- (i) The Purchasing Agent is responsible for approval of the Acquisition process in accordance with this subsection. Said approval shall include confirmation of the following: (120-10)
  - A. Department Head approval of the Award; and

24

- B. verification that the Acquisition, was conducted in accordance with this by-law; and
  - C. identification of complete price and costing information; and
  - D. identification of an upset limit or total expenditure as well as the basis for approving work or receipts and releasing payment; and
  - E. approval by the Department Head or designate of the operational terms and conditions; and
  - F. confirmation from the Department Head that funds are available, within existing approved budgets, without detrimental impact or elimination of any other planned Acquisition; and
  - G. verification that the Bid is justified and appropriate in accordance with the criteria set out in Schedule "A".
- (ii) Council approval of the Award is required except in the specific instance stipulated in section 1(b)(viii) of Schedule A which shall require the approval of the Purchasing Agent. (120-10)
  - (iii) When Council approval of the Award is required as outlined above, the Department Head shall report to Council as stipulated by Section 8(6). (120-10)
- (c) Commitment
- The Manager or the Purchasing Agent, as applicable in accordance with Schedule B, shall execute Commitments in respect of Single/Sole Source High Value Acquisitions when the Acquisition has been prepared in accordance with s.12(3)(b) and the form of the agreement has been prepared in concert with the Legal Services Division as required under Schedule C. (120-10)

#### 4. Emergency Acquisitions

- (a) In an Emergency, the Departmental staff member shall, if possible, contact the Manager or the assigned Buyer for Emergencies for direction on an appropriate Acquisition process and possible sources of supply. The approval of the applicable persons as provided in Schedule B shall be obtained before any Commitment is made. (120-10)
- (b) Where it is not possible to do so before the Emergency, the staff member shall document the detail of the Acquisition in a form set out by the Purchasing Agent as soon as possible following the Emergency. The form shall be authorized by the applicable Departmental staff as provided in Schedule B and forwarded to the Manager. (120-10)
- (c) The Commitment shall be executed by the applicable Materiel Management staff as provided in Schedule B for all Emergency Acquisitions, although such execution may occur after the Acquisition has taken place. (120-10)
- (d) The Purchasing Agent shall report details of High Value Acquisition Emergencies and ~~Medium Value Acquisition Emergencies over \$5100,000~~ in value to the Mayor and members of Council as stipulated in Section 26 as soon as is practicable.

#### **SECTION 13 - CANCELLING AND REISSUING BID REQUESTS**

13. (1) Subject to other requirements in this section 13, the Manager or the Buyer (as applicable) may cancel a Bid Request, in whole or in part if: (120-10)

2w

- (a) the Bid Request document contains errors or omissions which, in the opinion of the Manager, would result in an unfair process if an Award was made; or
  - (b) the Goods and Services are no longer needed; or
  - (c) all acceptable Bids received exceed the budget for the Acquisition or the fair market value and negotiating with the Bidder with the Best Value Bid is unlikely to yield an acceptable offer; or
  - (d) an opportunity arises and it is advantageous for the City to buy off from or tie on to another government contract; or
  - (e) a determination has been made that the bidding process has been compromised; or
  - (f) the scope of the Acquisition has changed.
- (2) In respect of High Value Acquisitions, the Manager may cancel a Bid Request, in accordance with section 13(1) with the concurrence of the Department Head. (120-10)
  - (3) In respect of Medium Value Acquisitions, the Manager or the Buyer may cancel a Bid Request in accordance with section 13(1) with the concurrence of the Departmental Director. (120-10)
  - (4) If a Bid Request has been cancelled, the Manager or the Buyer may authorize the issuance of a new Bid Request in respect of the Acquisition, by invitation to the original Bidders or by public advertisement. (120-10)

**SECTION 14 – NEGOTIATIONS**

- 14. (1) In the instance of Medium Value Acquisitions or High Value Acquisitions, the Manager or the Buyer, in consultation with the staff members delegated with process responsibility by the Departmental Director, may enter into negotiations with the Bidder submitting the Best Value Bid or with a Single/Sole Source supplier when such actions are in the best interests of the City and will not create an unfair situation for Bidders or Vendors. The Manager or the Buyer must maintain a record of any such negotiations. (120-10)
- 14. (2) In the instance of Medium Value Acquisitions or High Value Acquisitions where disclosed in the bid document, the Manager or the Buyer, in consultation with the staff members delegated with process responsibility by the Departmental Director, may enter into concurrent negotiations with more than one bidder.

**SECTION 15 - COMPLAINTS AND BIDDER PROTESTS**

- 15. (1) All Bidder complaints, whether addressed to an elected official, a Department Head or any other City staff shall be referred to Materiel Management and dealt with in accordance with the applicable City policies and procedures, as may be amended from time to time. (120-10)

**SECTION 16 - POINT OF CONTACT**

- 16. (1) Contact for the purposes of this section relates to communications to and from City employees, consultants engaged by the City, elected officials or Council and Bidders during the time a Bid Request is in process.
- (2) For Medium Value Acquisitions, unless otherwise specified by the Buyer, the Departmental staff person delegated with process responsibility shall act as the official contact person and shall respond to all communications in respect of the Bid Request from the date of issuance, up to and including the announcement of

2x

an Award with the exception of Bidder complaints or protests which shall be forwarded to the Buyer. (120-10)

- (3) For High Value Acquisitions the Manager or the Buyer shall act as the official contact person and shall respond to all communications. The Buyer may, if appropriate, consult with a Departmental staff person in order to obtain required information to be communicated. (120-10)
- (4) If new information to a Bid Request is required, an addendum shall be issued by Departmental staff in the case of a Medium Value Acquisition, with notification to the Buyer, and by the Buyer in the case of a High Value Acquisition. (120-10)
- (5) Any Bidder found to be in breach of this section is subject to disqualification from participating in the current Bid Request.

**SECTION 17 - RECEIPT AND OPENING OF BIDS**

- 17. (1) Materiel Management is responsible for the safekeeping and recording of all original vendor submissions in respect of Medium Value Acquisitions and High Value Acquisitions. (120-10)
- (2) All sealed High Value Acquisition Bids received in response to Publicly Advertised Bid Requests shall be opened at public bid openings conducted by Materiel Management staff and a Departmental representative. Any member of Council, City staff or the general public may attend public bid openings. Late submissions shall be rejected.
- (3) Bid amounts shall be made available to the public and officially recorded, subject to the provisions of the *Municipal Freedom of Information and Protection of Privacy Act*. Bid amounts so recorded shall not necessarily be determinative of the Award.
- (4) All ~~Medium Value Acquisitions and~~ High Value Acquisition Bids will be reviewed by the Manager or the Buyer to determine whether either a Major Irregularity or Minor Irregularity exists in accordance with City policies and procedures, as amended from time to time. If, in the opinion of the Manager, a Major Irregularity exists, the Bid will be rejected without further consideration. If, in the opinion of the Manager a Minor Irregularity exists, the Bidder may be permitted to correct the irregularity or the Manager may waive the irregularity and make the Award. Obvious errors in mathematical extensions, decimal point additions and/or taxes may be corrected by the Manager, and the unit prices will govern unless stipulated otherwise in the specific solicitation. (120-10)
- (5) In the event of two or more identical or tied Bids, those Bids shall be evaluated against the principles set out in Section 7 of this by-law. In the event that two Bid Requests are tied or identical following such evaluation, the Manager or the Buyer shall, in the presence of the Departmental staff person delegated with process responsibility, toss a coin. The Award shall then be made to the winner of the coin toss. In the event that three or more tied or identical Bids remain following evaluation, the Manager or the Buyer shall, in the presence of the departmental staff person, conduct a lottery draw. The Award shall then be made to the winner of the lottery. (120-10)
- (6) Evaluation committees shall be established by the Manager or the Buyer for all High Value Acquisitions and Publicly Advertised Bid Processes. The Committee shall evaluate all Bids received against clear specifications, terms, and conditions. The Manager or the Buyer shall maintain a record of the evaluation process and results.
- (7) Results of all Publicly Advertised Bid Requests shall be posted on the City's website and in the Materiel Management office. (120-10)
- (8) The Manager or the Buyer shall notify the successful Bidder of their Award.
- (9) The Manager or the Buyer shall notify non-successful Bidders: (120-10)

2y

- (a) if they are not selected to submit a Bid following a Request for Expression of Interest or a Request for Pre-Qualification;
- (b) if they submitted a low Bid and have not been selected; or
- (c) if their Bid was rejected.

**SECTION 18 – AMENDMENTS, INTERIM EXTENSIONS, RENEWALS & TERMINATIONS**

18. (1) General

- (a) If the City has entered into a Commitment in respect of a Medium Value Acquisition or High Value Acquisition, any amendment to the terms and conditions of the Commitment (including any increase to its value), any interim extension to the term of the Commitment, or any renewal of the Commitment shall follow the requirements within this section 18. Amendments, interim extension or renewal of Low Value Acquisition Commitments are not required to follow the requirements of this section 18. (120-10)
- (b) Amendments, interim extension or renewals of Commitments shall only be made if: (120-10)
  - (i) the amendment, interim extension, or renewal meets the conditions of this by-law and is not contrary to the principles set out in Section 7; and
  - (ii) funding is available within existing approved budgets and without detrimental impact or elimination of any other planned Acquisition; and
  - (iii) the amendment, interim extension, or renewal is within the scope of the Original Commitment.
- (c) Notwithstanding sections (18)(2) and 18(3), the applicable Materiel Management staff (as authorized in Schedule B) may extend the term on an interim basis or amend the value of a Commitment for sanding, salting, ploughing, snow removal, or water, electricity or fuel without regard to the percentage or dollar increase of the Commitment if: (120-10)
  - (i) the basis for determining fees and charges is not being changed; and
  - (ii) the interim extension of the term or amendment is required due to operations or maintenance requirements; and
  - (iii) the weather or market conditions at any time during the term of the Commitment are/were worse than expected such that an interim extension of the term or the total value of the Commitment needs to be amended.

(2) Amendments

- (a) In addition to subsection 18(1)(b), amendments of Commitments shall only be made if the basis for determining fees and charges is not being changed. (120-10)
- (b) All amendments to Medium Value Acquisition Commitments and High Value Acquisition Commitments shall be approved and executed by the applicable person in accordance with Schedule B. (120-10)
- (c) No amendments may be made to Medium Value Acquisition Commitments if the total amount of the Original Commitment, all prior amendments, and the requested amendment exceeds \$1200,000. (120-10)

(d) For amendments to High Value Acquisition Commitments, Council approval is required if the amendment is of a value that, on its own or if added together with any and all previous amendments made to the Original Commitment, the cumulative value of all amendments are: (120-10)

- (i) greater than 20% of the Original Commitment and greater than \$100,000; or
- (ii) over \$1,000,000 ~~irrespective of its percentage to the Original Commitment.~~

(e) Notwithstanding subsection (d), no Council approval for amendments to a High Value Acquisition is required if the amendment to a High Value Acquisition Commitment is: (120-10)

- (i) the amendment is for work required to address an Unforeseen Site Condition, in which case, the Purchasing Agent may execute the amending Commitment if the City Manager approves it; or
- (ii) the amendment is requested by and paid for by other Public Body/Bodies with which the City has entered into the Co-operative Acquisition in which the City holds the contract with the Vendor on behalf of itself and other Public Body/Bodies. Council approval is still required if the amendment is as a result of additional work requested by the City; or
- (iii) Council has provided direction otherwise on the procurement at issue.

(3) Interim Extension

(a) An interim extension of a Commitment may be required if: (120-10)

- (i) further opportunity is required to comprehensively and accurately complete a procurement process and issue and Award; and/or
- (ii) additional time is required to fulfill all the obligations in progress at the time of the Commitment's expiry and to make final payments; and/or
- (iii) the market conditions, including timing and specifications (relating to either the procurement of the Goods and Services or the particular industry), are in flux and that it would be more advantageous for the City to wait before proceeding with the issuance of a Bid Request.

(b) An Award may be made to extend a High Value Acquisition Commitment under section 18(3)(a) on an interim basis if: (120-10)

- (i) the Purchasing Agent and the Manager are jointly of the opinion that it is advantageous to extend the Commitment on an interim basis; and
- (ii) a new procurement process is being prepared or is underway; and
- (iii) the term of the interim extension does not exceed one year; and
- (iv) the requirements under section 12(3)(b) are complied with, except that no Council approval is required if the Award of the interim extension is in compliance with all the requirements of this section 18(3)(b)

(c) No interim extension under this section 18(3) may be made for Medium Value Acquisition Commitments, except as determined in section 18(3)(a)(ii). (120-10)

2aa

- (d) Section 12(3)(c) shall apply to the execution of any interim extension to an existing Commitment if all the requirements of this section 18 for the interim extension are met. (120-10)

(4) Renewals

The Manager may renew a Commitment only when the terms and condition of the Bid Request, Award report, and original Commitment provide for the renewal. Said renewal may not occur unless the conditions set out in section 18(1)(b) have been met. Where the terms and conditions of the original Commitment do not provide for renewal, a new Acquisition shall be conducted. (120-10)

(5) Termination

If the City has entered into a Commitment in respect of an Acquisition and the Department(s) for which the Goods and/or Services are acquired wishes to terminate the Commitment prior to the end of the term of the Commitments as a result of non-performance by the Vendor or that the Goods and/or Services contemplated under the Commitment are no longer required, the Department(s) shall consult with Materiel Management and the Legal Services Division to determine the appropriate course of action in terminating the Commitment. Commitments may be terminated upon the joint approval of the Department Head, the Purchasing Agent, and the City Solicitor, or their respective designate, or as otherwise authorized by Council. (120-10)

**SECTION 19 - UNSOLICITED QUOTATIONS, TENDERS OR PROPOSALS**

19. (1) No Award may be made based on unsolicited proposals. (120-10)
- (2) If it is determined that there is a legitimate need for the Goods or Services offered by way of an unsolicited offer, then an Acquisition process shall be conducted in accordance with this by-law.

**SECTION 20 - CO-OPERATIVE ACQUISITION**

20. (1) The City may participate with a Public Body in Co-operative Acquisition initiatives where it is in the best interest of the City to do so and where: (120-10)
- (a) combining the volume of Goods and Services to be purchased by the City and a Public Body would result in a better value; or
- (b) operational costs would be contained or reduced; and
- (c) the Acquisition and Commitment are in substantial compliance with the provisions of this by law.
- (2) The Manager or a Buyer shall conduct all Co-operative Acquisition initiatives on behalf of Departments. Legal Services Division shall be consulted to determine the appropriate agreements required to conduct such initiatives with other Public Bodies. (120-10)
- (3) The Public Body initiating the Acquisition may determine the Award. In the event that the Award is not in the best interests of the City, the Manager may decline acceptance of the Award subject to any agreements that the City may have with the Public Body/Bodies involved in the Co-operative Acquisition. Where the City is initiating the Acquisition, the Acquisition process will be conducted in accordance with this by-law, and all requirements including approval and Commitment requirements according to the dollar value of the Acquisition must be met. (120-10)

**SECTION 21 - SPECIAL RELATIONSHIPS**

21. (1) In cases where the Acquisition of Goods and Services is involved, the City may enter into agreements with the private sector including but not limited to joint ventures, co-marketing agreements, public benefit planning agreements, public private partnerships, shared-use agreements, sponsorship arrangements, corporate and individual donation agreements, and advertising, subject to Council approval.

266

- (2) The Manager may conduct an Acquisition process, according to the dollar value of the Acquisition. All requirements of this by-law must be met, except that the Award must be approved by Council.
- (3) Council approval of the Award shall be obtained by the Department Head. All such reports shall be as stipulated by Section 8(6). (120-10)

#### **SECTION 22 - VENDOR COMPLAINTS AND VENDOR PERFORMANCE**

22. (1) The Departmental staff person who has been assigned responsibility for managing Commitments by the Departmental Director shall be responsible for dealing with Vendor inquiries and resolving Vendor disputes.
- (2) The Manager or the Buyer in consultation with appropriate Departmental, technical, Legal Services Division and risk management staff, shall resolve Vendor disputes not otherwise resolved by the Departmental staff person. (120-10)
- (3) Repealed by 120-10
- (4) Repealed by 120-10
- (5) Departmental and Materiel Management staff shall maintain records of poor Vendor performance on all Commitments, which shall be used to ensure contract compliance, to supplement a pre qualification process review or to justify rejecting a Bid or disqualifying a Bidder.

#### **SECTION 23 - DISQUALIFICATION OF BIDDERS**

23. (1) The Purchasing Agent may exclude a Bidder from eligibility to submit a Bid for a period the later of two years or until after the next Bid opportunity ~~has occurred~~ where there is documented evidence of poor performance or non performance in respect of the fulfillment of a Commitment, or there is documented evidence that the Bidder either violated a provision of this by-law or the Bid Request or submitted an improper Bid, as determined by the Purchasing Agent.
- (2) The Purchasing Agent may exclude a Bidder from a current Bid Request process if the Bidder is found to be in violation of ~~Section section~~ 16 (Point of Contact).
- (3) Prospective bidders shall be notified of their exclusion from eligibility and shall have the right to protest in accordance with applicable City policies and procedures.

#### **SECTION 24 - BIDDER REGISTRATION**

24. ~~Bidders may register with Materiel Management Bidding.com to be added to the City's information database to receive notification of opportunities, where such notification has been deemed to be appropriate.~~

#### **SECTION 25 - DISPOSITION OF SURPLUS GOODS**

25. (1) Departmental staff may recommend that items including material, equipment, furnishings and vehicles owned by the City are surplus to the City's needs and have a cash value or are refuse items.
- (2) The manager of the Departmental operating area may declare such items to be surplus and shall then advise the Buyer of any items including materials, equipment, furnishings and vehicles owned by the City which in his or her opinion are surplus and have a cash value.
- (3) Items declared surplus and having a cash value may be disposed of by the Buyer by the most advantageous means, which may include:
  - (a) redistribution throughout the City; or
  - (b) a recognized charitable organization in Mississauga registered as such with the Canada Revenue Agency (Charities Directorate); or

acc

- (c) public auction; or
  - (d) the issuance of a Bid Request; or
  - (e) trade in at fair market value as part of the Acquisition of other similar items or items required by the City; or
  - (f) as Council may otherwise authorize.
- (4) Refuse items shall be disposed.
- (5) Funds received from the disposal of surplus items shall be credited to the appropriate accounts, as determined by the Finance Division of the Corporate Services Department.

**SECTION 26 - INFORMATION REPORTS**

26. (1) The Manager shall provide information reports, on a monthly basis, to the Purchasing Agent, in respect of all Acquisitions in the previous month, or as otherwise required by this by-law.
- (2) The Purchasing Agent shall provide information reports, on a monthly basis, to the Mayor and members of Council in respect of all High Value Acquisitions and Acquisition made under Emergencies, which shall include the names of all successful Bidders and the dollar amount of any Award. In addition, the Purchasing Agent shall provide information reports, on a monthly basis, to the Mayor and members of Council in respect of all contract amendments, interim extensions, and renewal for all High Value Acquisitions that have been approved in the previous month, which shall include the names of all Vendors and details of the applicable amendments, extensions, and renewals. (120-10)
- ~~(3) The Purchasing Agent shall provide information reports on an annual basis to the Mayor and members of Council summarizing the disposition of all surplus Goods.~~

**SECTION 27 - RECORDS**

27. (1) The Manager shall be responsible for the care, custody and control of records in respect of all Medium Value Acquisition and High Value Acquisition Commitments.
- (2) All records retained pursuant to this by-law shall be retained in accordance with the City's Records Retention By-law.

**SECTION 28 - REVIEW COMMITTEES**

28. The Purchasing Agent, in consultation with Department Heads and the City Manager, shall undertake a comprehensive review of this by law at least once every five years.

**SECTION 29 - SEVERING**

29. Should any provisions, clauses, sections, phrases or parts of this by-law, or the application thereof, be held by a court or tribunal of competent jurisdiction to be invalid, the remainder of this by-law, or the application of such provisions, clauses, sections, phrases or parts of this by-law shall not be affected.

**SECTION 29.1 INTERPRETATION**

- 29.1 (1) A reference to the singular number shall be deemed to refer to the plural, and vice versa, as the context may require. (120-10)
- (2) A reference to the masculine gender shall be deemed to refer to the feminine gender, and visa versa, as the context may require. (120-10)

**SECTION 30 - GENERAL**

30. (1) This by-law comes into force on January 1, 2007.

- 2dd
- (2) By-law 613-91, as amended is repealed as of the date this by-law comes into force.
  - (3) Commitments in effect on January 1, 2007 shall continue until the expiration of their term or other termination.
  - (4) The short title of this By-law is the "Purchasing By-Law". (120-10)

**ENACTED AND PASSED this 13 day of September, 2006.**

**Signed by: Acting Mayor, Katie Mahoney and City Clerk, Crystal Greer**

See

## SCHEDULE "A"

### CRITERIA FOR NON-COMPETITIVE ACQUISITIONS (SINGLE/SOLE SOURCE AND EMERGENCY)

(amended by 92-10, 120-10)

1. Pursuant to Section 12 Non-competitive (Medium Value Acquisitions and High Value Acquisitions), Acquisitions may be conducted using a Single/Sole Source supplier only if one or more of the conditions listed in either (a) or (b) below apply, the Purchasing Agent or Manager having the right of final determination, and a process is undertaken to obtain the Best Value under the circumstances for the City:
  - (a) The Goods and/or Services are only available from one supplier by reason of:
    - (i) a statutory or market based monopoly; or
    - (ii) scarcity of supply in the market; or
    - (iii) the existence of exclusive rights such as patent, copyright or licence; or
    - (iv) the complete item, service, or system is unique to one vendor and no alternative or substitute exists within Canada.
  - (b) The Goods and/or Services are available from more than one source, but there are good and sufficient reasons for selecting one supplier in particular, as follows:
    - (i) An attempt to acquire the required Goods and/or Services by soliciting competitive Bids has been made in good faith, but has failed to identify a willing, capable and compliant supplier; or
    - (ii) The Goods and/or Services are required as a result of an Emergency which would not reasonably permit the solicitation of competitive Bids; or
    - (iii) The confidential nature of the requirement is such that it would not be in the public interest to solicit competitive Bids; or
    - (iv) The solicitation of competitive Bids would not be economical to the City; or
    - (v) Construction, renovations, repairs, maintenance etc. in respect of a building leased by the City may only be done by the lessor of the building, in accordance with a lease agreement; or
    - (vi) The Goods are purchased under circumstances which are exceptionally advantageous to the City, such as in the case of a bankruptcy or receivership; or
    - (vii) It is advantageous to the City to acquire the Goods and/or Services from a supplier pursuant to the procurement process conducted by another Public Body; or
    - (viii) It is advantageous to the City to acquire the Goods and/or Services directly from another Public Body or public service body; or
    - (ix) Another organization is funding or substantially funding the Acquisition and has determined the supplier, and the terms and conditions of the Commitment into which the City will enter are acceptable to the City; or
    - (x) The Acquisition is for a particular brand of Goods and/or Services that are intended solely for resale to the public and no other brand is desirable and the brand is not available from any other source; or
    - (xi) A need exists for compatibility with, or for the maintenance and support of a City Standard and there are no reasonable alternatives, substitutes, or accommodations; or
    - (xii) A need exists to avoid violating warranties and guarantees where support or Service is required for a City Standard; or
    - (xiii) Instructors, coaches, trainers and other specialized services for recreation programs for which Bids cannot readily be called; or
    - (xiv) The Acquisition is an interim extension contemplated under section 18(3);  
or
    - (xv) The Acquisition is for entertainment at a major City event.

2ff

**SCHEDULE "B"  
METHODOLOGY AND APPROVAL REQUIREMENTS**

**(UNLESS OTHERWISE SPECIFIED IN THE BY-LAW)**

<sup>A</sup> The same approval process for the Original Commitment would apply to an amendment of the Commitment, except that no amendments may be made if the total amount of the original Commitment, all prior amendments, and the requested amendment exceeds \$100,000. (See section 18(2)(c)).

Original Commitment Value	Acquisition Method/ Section Reference	Departmental Approval	Process Approval	Commitment Execution
<b>Low Value</b> Up to \$510,000	Pcard or Cheque Requisition [sections 11(1)]	Supervisors with Cost Centre Authority	As per Departmental Approval	In accordance with City policies and procedures
<b>Medium Value</b> \$510,001 up to \$50,000	Competitive [sections 11(2), 18(2)] <sup>A</sup>	Departmental Manager	Buyer	Buyer
	Non-competitive (Single/Sole Source) [section 12(2)]	Departmental Director	Manager	Buyer
	Emergencies [section 12(4)]	Departmental Director	Departmental Director	Senior Buyer
<b>Medium Value</b> \$50,001 up to \$100,000 (unless otherwise approved under section 11(2)(b)(ii), in which case the Medium Value Acquisition may be up to \$120,000)	Competitive [sections 11(2), 18(2)] <sup>A</sup>	Departmental Director	Senior Buyer	Senior Buyer
	Non-competitive (Single/Sole Source) [section 12(2)]	Department Head	Purchasing Agent	Manager
	Emergencies [section 12(4)]	Department Head	Department Head	Manager
<b>High Value</b> \$100,001 or more	Competitive [sections 11(3), 18(2)] <sup>B</sup>	Department Head	Manager up to \$500,000  Purchasing Agent if over \$500,000	Manager up to \$500,000  Purchasing Agent if over \$500,000
	Non-competitive (Single/Sole Source) [sections 12(3), 18(2)]	Council, upon recommendation of Department Head	Purchasing Agent	
	Emergencies [section 12(4)]	City Manager	City Manager	Purchasing Agent

<sup>B</sup> This approval process for a competitive High Value Acquisition would also apply to an

299

amendment of any High Value Acquisition Commitment, the value of which amendment plus all other previous amendment to that Original Commitment, is less than \$100,000, or 20% of the Original Commitment, and does not exceed \$1,000,000. For any other amendment of a High Value Acquisition Commitment ~~that is over \$100,000 and greater than 20% of the Original Commitment, or for any amendment of a High Value Acquisition Commitment that is over \$1,000,000 (irrespective of its percentage to the Original Commitment)~~, the approval process for a non-competitive High Value Acquisition would apply.

SCHEDULE "C"

2hh

LEGAL REVIEW REQUIREMENTS

The following types of Acquisitions shall be conducted with legal advice provided by the Legal Services Division and the Commitments executed for these types of Acquisitions (including any amendments thereof) shall be prepared in concert with the Legal Services Division:

1. Any Acquisition with a value of \$500,000.00 or more;
2. Co-operative Acquisitions;
3. Acquisitions for a Commitment with a term of 5 or more years;
4. Acquisitions in relation to money handling and financial services;
5. High Value Acquisitions involving technology;
6. Special relationship arrangements under section 21 of the by-law;
7. Acquisitions where personal information will be collected, accessed or maintained by the City, or by a vendor on behalf of the City; and  
6.
- 7.8. Any other Acquisitions at the discretion of the Manager or designate, or the Departmental Director or designate.



# Corporate Report

Clerk's Files

Originator's  
Files

3.

---

**DATE:** March 19, 2012

**TO:** Chair and Members of General Committee  
Meeting Date: April 4, 2012

**FROM:** Martin Powell, P. Eng.  
Commissioner of Transportation and Works

**SUBJECT:** **MiWay- University of Toronto at Mississauga (UTM)- Universal Transit Pass Program – Summer Pilot Extension 2012**

**GENERAL COMMITTEE**

APR 04 2012

---

- RECOMMENDATION:**
1. That the Commissioner of Transportation and Works and the City Clerk be authorized to amend and affix the corporate seal on behalf of The Corporation of the City of Mississauga (the "City") to the Universal Transit Pass Agreement between the City, the Governing Council of the University of Toronto (the "UTMSU") to include a summer pilot program for both full and part-time students, in a form satisfactory to Legal Services, as outlined in the report dated March 19 from the Commissioner of Transportation and Works.
  2. That the Mississauga Transit Fares By-Law #354-10 be amended to reflect a Universal Pass (U-Pass) summer fee of eighty-five dollars for a transit pass.
  3. That all necessary by-laws be enacted.

**REPORT SUMMARY:** The purpose of this report is to request Council's approval for the continuation of the MiWay U-Pass 4-month summer pilot program in partnership with UTMSU for the term May 1, 2012 until August 31, 2012 at a price of \$86.70 for both full and part-time students over the 4 month term.

3a

**BACKGROUND:**

MiWay staff in partnership with the University of Toronto's Mississauga Campus UTMSU, has in place a 3 year U-Pass contract until April 30, 2014. This contract includes full-time undergraduates and full-time graduates who attend UTM for the 8-month term (September to April). U-Pass programs, being universal by nature, require mandatory participation by all members and therefore 11,000 students are part of the 8 month U-Pass program for the 2011-2012 academic year. The U-Pass price for the current year is set at \$130 per student and provides for an incremental increase during each academic year for the term of the contract.

Ridership studies for our 8 month U-Pass program indicate that student trips have continued to increase using the U-Pass from 700,000 in 2007/08 to just over 2 million boardings during the 2011/2012 academic year based on current forecasts. That is an increase of 1.3 million trips since the introduction of the U-Pass program.

While finalizing the contract for the 8-month U-Pass program the UTMSU expressed interest in a 4 month summer U-Pass program with the inclusion of part-time students. The majority of existing U-Pass programs do not include an option for part-time students and do not offer summer U-Pass participation.

Student travel patterns, frequency of transit use and work related trips change during the summer months which may cause increased use and the need for additional services and cost to transit. There is also a potential revenue loss as students move from their existing transit fare media to a much discounted option with the U-Pass. To mitigate the risks the U-Pass must be priced appropriately to balance out additional service costs and revenue risks.

MiWay staff agreed to pilot the summer U-Pass option in 2011 to better understand the student travel patterns and usage. Results from the summer pilot, which would include part-time students, would be evaluated to establish an equitable price for the inclusion of part-time students in the 8-month U-Pass program in 2012.

Unfortunately, as a result of a dispute between the full-time and part-time Student Unions it was not possible to include the part-time students in a 4-month summer U-Pass program. A summer U-Pass pilot program was extended to the UTMSU full-time students for the summer semester from May 1 to August 31, 2011. This pilot program included full-time undergraduates and graduate students only. In total, 2,572 students participated in the pilot at a U-Pass price of \$140 per student for the 4 months.

**COMMENTS:**

UTMSU student representatives have met with MiWay staff to explore the possibility of continuing the partnership to provide UTM students with a summer U-Pass. In addition, the request was to expand the program to include the part-time undergraduates for both the summer and fall semesters.

In order to determine continued interest from the UTM students, a referendum was held March 6-8, 2012 for the part-time students. Only 13.75% of the eligible part-time students participated in the vote with 91% in favour of a 4 month summer U-Pass program and 93% in favour of an 8 month fall U-Pass program. The number of part-time students during the summer is approximately 3,300 and in the fall/winter 720.

Although MiWay staff have agreed to extend the 4-month summer U-Pass program to the part-time students as a continued pilot, there is a desire from UTM administration and both Student Unions to include the part-time students in the existing 8-month U-Pass program in the fall of 2012.

MiWay does not have experience with the part-time transit usage to accurately forecast cost and revenue in order to establish a fair U-Pass price when including part-time students into the U-Pass program. Completion of the summer pilot will provide statistics that will allow staff to establish an equitable pricing strategy based on part-time students travel patterns and usage. Following such results staff would be better equipped to consider an extension of the 8-month U-Pass program to part-time students for the fall of 2013.

**STRATEGIC PLAN:** New and innovative ideas that encourage transit ridership lead to improve transportation, environment and health for the community. This program achieves several of the City's strategic goals by:

- **Developing a Transit Orientated City**
  - ✓ encouraging environmental responsibility
  
- **Living Green**
  - ✓ promoting a green culture
  
- **Ensuring Youth, Older Adults and New Immigrants Thrive**
  - ✓ ensure affordability and accessibility for youth
  - ✓ attract and retain youth

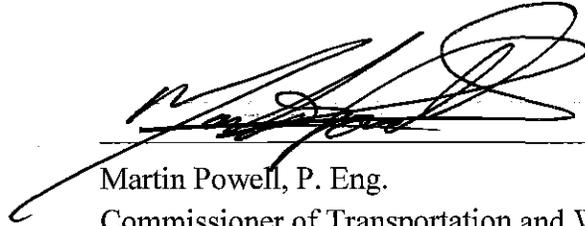
**FINANCIAL IMPACT:** The U-Pass price is set at a substantial savings to make it an attractive program for students. MiWay establishes the U-Pass value based on the following:

- A discounted price over the student pass price.
- 60% cost recovery to operate the routes servicing the university.

For the summer term of 2012 the enrolment is projected to be 2,600 full-time and 3,300 part-time students for a total of approximately 5,900 students that would have mandatory participation in the summer pilot program. With a pass price set at \$86.70 per student, the estimated revenue expected from the summer U-Pass program is \$511,530.

**CONCLUSION:** The U-Pass program continues to grow in Mississauga and other communities across Canada. It is supported by the students, post-secondary school administrators, transit systems and local communities. The U-Pass experience provides significant benefits to all groups in meeting community transportation challenges.

The marketing team will promote the U-Pass program to the students at UTM and encourage more riders on our existing transit services. Staff will also monitor the summer program through the pilot stage to ensure continued benefits to all. Results from the summer pilot will be used to examine the costs and benefits of expanding the 8-month U-Pass program to include part-time student in 2013/14.



---

Martin Powell, P. Eng.  
Commissioner of Transportation and Works

*Prepared By: Mary-Lou Johnston,  
Manager, Business Development, Transit*



# Corporate Report

Clerk's Files

Originator's Files

**DATE:** March 14, 2012

**TO:** Chair and Members of General Committee  
Meeting Date: April 4, 2012

**FROM:** Paul A. Mitcham, P.Eng., MBA  
Commissioner of Community Services

**SUBJECT:** **Partnership Agreement with Evergreen allowing for TD Green Streets Grant (Ward 3 and Ward 6)**

<p><b>GENERAL COMMITTEE</b></p> <p>APR 04 2012</p>
--

**RECOMMENDATION:** That a by-law be enacted to authorize the Commissioner of Community Services and the City Clerk to enter into a TD Green Streets agreement with Tree Canada and Evergreen on behalf of the City of Mississauga in a form satisfactory to Legal Services to implement one year tree planting and stewardship program on City land.

**BACKGROUND:** The City of Mississauga's Urban Forestry section, in partnership with Evergreen, will be awarded a TD Green Streets grant that is administered by Tree Canada in the amount of \$11,380. The name of this project is the *Mississauga-Evergreen Urban Forest Community Program*. Funding will be used to augment the costs of community stewardship programs in Erindale Park (Ward 6) and the Applewood Hills Greenbelt (Ward 3) in 2012.

Evergreen is the main project partner and will lead the delivery of the project. Evergreen is a national not-for-profit organization that makes cities more liveable by engaging residents in hands-on environmental programs. Their programs deepen the connection between people and

programs. Their programs deepen the connection between people and nature and empower Canadians to improve their urban environments. This initiative will bring multiple partners together to participate in nature-based programs that support strategies outlined within the City's Strategic Plan's Living Green Action Plan, specifically Actions 4 and 10: to plant one million trees in Mississauga; and to implement an educational program that promotes green living.

In December 2011, Urban Forestry and Evergreen submitted a co-application for funding for this stewardship project to TD's Green Streets fund. This application was subsequently awarded \$11,380.

## COMMENTS

This community-based program will connect participants to their local environment through hands-on activities that include planting trees, stewardship and maintenance of existing trees, and ongoing site monitoring. Ultimately, this project will foster stronger ties within the community and enhance pride of place, as well as enhance the natural areas of Mississauga that contribute to a healthy Urban Forest.

The sites involved in this project are Erindale Park and the Applewood Hills Greenbelt, with the program focusing on the following three objectives:

- 1) Urban Forest Restoration and Expansion: Two spring and two fall community tree planting events will be held. The main launch event will be in Erindale Park to celebrate the project and Earth Day 2012. Remaining events will be held in the Applewood Hills Greenbelt, with a total of 1000 native trees and shrubs being added to City lands;
- 2) Urban Forest Stewardship: Invasive species removal, tree mulching, and litter clean ups. Eight stewardship events will be held in 2012; and,
- 3) Environmental Education: Training will be provided on native tree planting, tree identification, invasive species identification and control and general nature interpretation. Information regarding the cultural heritage of both sites will be built into the program.

The contribution from TD Green Streets will also allow for an Evergreen staff person to coordinate and lead events, community outreach, promotion, event signage, hand tools, transportation and volunteer refreshments.

**PRESENT STATUS**

This grant will be received by the City of Mississauga pending the execution of the partnership agreement between the City, TD, Tree Canada and Evergreen. The funds will be remitted to Evergreen to be utilized in the implementation of the *Mississauga-Evergreen Urban Forest Community Program*.

**STRATEGIC PLAN**

The collaborative funding agreement with TD, Tree Canada and Evergreen will allow the *Mississauga-Evergreen Urban Forest Community Program* to fulfill three pillars of the City's Strategic Plan:

- "Belong" by enabling volunteers to feel more connected to the city's natural areas and parks through hands-on habitat creation and ecological enhancement;
- "Connect" by engaging volunteers to create healthy, natural landscapes within city parks and greenbelts for entire communities to enjoy and benefit from; and,
- "Green" by conserving, enhancing and connecting natural environments within the City while providing a legacy of a healthy and sustainable natural environment.

**FINANCIAL IMPACT:**

The total value of the Mississauga-Evergreen Urban Forest Community Program is \$30,240. This total includes cash and in-kind contributions from TD Green Streets, the City of Mississauga and Evergreen. Contributions from the City's Naturalization Program include the provision of plant material, wood chips and project supervision valued at \$16,860. Evergreen will also provide in-kind contributions in the form of project management valued at \$2,000. The \$11,380 grant by TD Green will allow for event delivery by Evergreen, event promotion, refreshments, tools, and transportation costs.

The grant will be awarded to the City of Mississauga who will in turn use these funds to support Evergreen in the implementation of the project.

**CONCLUSION:**

As one of the largest cities in Canada, there is a need to increase and steward the urban tree canopy in Mississauga. In addition, the City's Strategic Plan outlines the need to partner with outside agencies to achieve our "Living Green" goals. Through our partnership with Evergreen the City can access their expertise in community engagement and ecological restoration which is important to the sustainability of the Urban Forest.

The *Mississauga-Evergreen Urban Forest Community Program* is designed to engage the community in helping to improve the City's Natural Areas through tree planting and stewardship activities. The engagement of community volunteers will lead to a sense of ownership of these areas by the surrounding community. This project will increase the number of stewardship programs that can be delivered by the Urban Forestry Section with no additional costs to the City of Mississauga.



---

Paul A. Mitcham, P.Eng, MBA  
Commissioner of Community Services

*Prepared By: Gavin Longmuir, Urban Forestry Manager*

**SHARK FINNING COMMITTEE**

March 7, 2012

GENERAL COMMITTEE

REPORT 1 - 2012

APR 04 2012

TO: CHAIR AND MEMBERS OF GENERAL COMMITTEE

The Shark Finning Committee presents its first report of 2012, and recommends:

SFC-0001-2012

That the minutes of the Audit Committee meeting held on November 9, 2011 be approved as presented.

SFC-0002-2012

That the deputation by Peter DeSouza, Acting Inspector Manager and Catherine Mar, Fish Policy Officer be received.

SFC-0003-2012

That the letter dated November 30, 2011 from The Honourable Leona Aglukkaq in response to the Mayor's letter requesting the support of banning shark fin products, be received for information.

SFC-0004-2012

That the letter dated January 16, 2012, from the Minister of Fisheries and Oceans in response to the Mayor's indicating that Canada has prohibited the practice of shark finning since 1994 and will continue to work closely with other countries to promote the sustainable management and conservation of sharks worldwide, be received for information.

SFC-0005-2012

That the food analysis from Maxxam Analytics International Corporation, be received for information.

SFC-0006-2012

That the chart from Lake Ontario 5 – Credit River, be received for information.

REPORT 3-2012

GENERAL COMMITTEE

APR 04 2012

TO: MEMBERS OF GENERAL COMMITTEE

The Heritage Advisory Committee presents its third report for 2012 and recommends:

HAC-0022-2012

That the PowerPoint presentation, dated March 20, 2012 and entitled "Proposed Amendments to Tree Permit Bylaw 475-05," by Jane Darragh, Planner, Park Planning Section, and Mike Maloney, Supervisor, Tree Preservation and Protection, Urban Forestry, to the Heritage Advisory Committee on March 20, 2012 be received.

(HAC-0022-2012)

HAC-0023-2012

That the Briggs House, 913 Sangster Avenue, be designated under the *Ontario Heritage Act* for its design/physical, historical/associative, and contextual value and that the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.

Ward 2

(HAC-0023-2012)

HAC-0024-2012

That the request to alter the Brookbank-Carlson property, 54 William Street, as described in the report from the Commissioner of Community Services, dated February 28, 2012, be approved.

Ward 11

(HAC-0024-2012)

HAC-0025-2012

That the correspondence with respect to the Ontario Heritage Conference 2012 on May 31-June 3, 2012 in Kingston, Ontario be received.

(HAC-0025-2012)

HAC-0026-2012

That the correspondence dated March 7, 2012 from Michael Chiu, Consultant Project Manager, McCormick Rankin, with respect to Queen Elizabeth Way Credit River Bridge, Notice of Public Information Centre #3, Preliminary Design and Class Environmental Assessment Study be received.

(HAC-0026-2012)

HAC-0027-2012

That the correspondence dated March 12, 2012 from Bert Duclos, Heritage Outreach Consultant, Ministry of Tourism, Culture and Sport with respect to the waiving of normal tariff fees at land registry offices for Municipal Heritage Committee members and their assistants be received.

(HAC-0027-2012)

HAC-0028-2012

That the chart dated March 20, 2012 from Julie Lavertu, Legislative Coordinator, Heritage Advisory Committee, identifying the status of outstanding issues from the Heritage Advisory Committee be received.

(HAC-0028-2012)

HAC-0029-2012

That an additional \$150 for mileage costs be approved and allocated in the Heritage Advisory Committee's 2012 budget (Account #28609) for Matthew Wilkinson, Heritage Advisory Committee Citizen Member, to attend the Heritage Resources Centre's "Architectural Styles" Workshop in St. Mary's, Ontario on Saturday, April 14, 2012 and Sunday, April 15, 2012.

(HAC-0029-2012)

REPORT 3-2012

GENERAL COMMITTEE

APR 04 2012

TO: CHAIR AND MEMBERS OF GENERAL COMMITTEE

The Mississauga Cycling Advisory Committee presents its third report for 2012 and recommends:

MCAC-0016-2012

That the Mississauga Cycling Advisory Committee (MCAC) endorses the Bike Licensing letter as distributed at the March 20, 2012 MCAC meeting and that staff circulate the letter to Members of Council for information.

(MCAC-0016-2012)

MCAC-0017-2012

That the Legislative Coordinator prepare a letter on behalf of the Mississauga Cycling Advisory Committee to forward to the organizers of the Toronto Bike Show regarding the Committee's concerns that were encountered while participating in the Toronto Bike Show held on March 2, 3 and 4, 2012.

(MCAC-0017-2012)

MCAC-0019-2012

That the draft Mississauga Cycling Advisory Committee (MCAC) budget be deferred to the April MCAC meeting date for further consideration.

(MCAC-0019-2012)

MCAC-0020-2012

That a representative from the Mississauga Cycling Advisory Committee (MCAC) attend the 2012 Ontario Bike Summit in Toronto on April 24 and 25, 2012 and that the cost to attend the event be funded from MCAC 2012 budget.

(MCAC-0020-2012)

MCAC-0021-2012

That the 2012 calendar of events regarding Mississauga cycling related events in 2012 be received for information.

(MCAC-0021-2012)

MCAC-0022-2012

That the action list from the meeting held on February 12, 2012 be received for information.

(MCAC-0022-2012)

REPORT 2-2012

GENERAL COMMITTEE

APR 04 2012

TO: CHAIR AND MEMBERS OF GENERAL COMMITTEE

The Museums of Mississauga Advisory Committee presents its second report for 2012 and recommends:

MOMAC-0006-2012

That the Corporate Report dated March 13, 2012, from the Commissioner of Community Services entitled Request to the Benares Endowment Fund Reserve for Artifact Conservation Initiative, be received.

(MOMAC-0006-2012)

MOMAC-0007-2012

That the Memorandum entitled Enrolment in the Cultural Access Pass Program of The Institute for Canadian Citizenship by the Museums of Mississauga, on behalf of the City of Mississauga dated March 26, 2012 from Annemarie Hagan, Museums Manager, be received.

(MOMAC-0007-2012)

MOMAC-0008-2012

That the Museums of Mississauga Draft Vision Statement, as amended by the Committee, be received.

(MOMAC-0008-2012)

MOMAC-0009-2012

That the Museums of Mississauga – Advocacy Working Party document, be received.

(MOMAC-0009-2012)

MOMAC-0010-2012

That the Report from the February 7, 2012 Collections and Storage Subcommittee (CASS), be received.

(MOMAC-0010-2012)

MOMAC-0011-2012

That the Report from the March 6, 2012 Collections and Storage Subcommittee (CASS), be received.

(MOMAC-0011-2012)

MOMAC-0012-2012

That the update from The Friends of the Museum as presented by Fred Durdan, Citizen Member, be received.

(MOMAC-0012-2012)

MOMAC-0013-2012

That the Museum Manager's Report, dated March 26, 2012, from Annemarie Hagan, Museums Manager, be received.

(MOMAC-0013-2012)

MOMAC-0014-2012

That the Capital Projects Report, dated March 26, 2012, from Annemarie Hagan, Museums Manager, be received.

(MOMAC-0014-2012)

MOMAC-0015-2012

That the Memorandum dated February 29, 2012, from Annemarie Hagan, Museums Manager, and Andrew Whittemore, Manager, Cultural Operations, to the Mayor and Council entitled The Waterloo Curatorial and Museum: Learnings for the Mississauga Artifact Preservation Centre, be received.

(MOMAC-0015-2012)

MOMAC-0016-2012

That the Corporate Report entitled Mississauga Culture Master Plan Progress Report, dated January 3, 2012, which was presented at General Committee on February 1, 2012, be received.

(MOMAC-0016-2012)

MOMAC-0017-2012

That the Collections and Exhibit Supervisor Report to the Collections and Storage Subcommittee dated February 7, 2012 from Stephanie Meeuwse, Collections and Exhibit Supervisor, be received.

(MOMAC-0017-2012)

MOMAC-0018-2012

That the Collections and Exhibit Supervisor Report to Collections and Storage Subcommittee dated March 6, 2012 from Stephanie Meeuwse, Collections and Exhibit Supervisor, be received.

(MOMAC-0018-2012)

REPORT 3 - 2012

GENERAL COMMITTEE

APR 04 2012

TO: CHAIR AND MEMBERS OF GENERAL COMMITTEE

The Traffic Safety Council presents its third report for 2012 and recommends:

TSC-0031-2012

That the letter dated March 28, 2012, from Tom Howe, Manager, Student Transportation of Peel Region, with respect to bussing for students attending Queenston Drive Public School, 3520 Queenston Drive, be added to the March 28, 2012 Traffic Safety Council Agenda.

(TSC-0031-2012)  
(Ward 6)

TSC-0032-2012

1. That the request for a Crossing Guard at the pathway east of Shelter Bay Public School for students attending Shelter Bay Public School, 6735 Shelter Bay Road, be denied as the warrants have not been met.
2. That the Principal at Shelter Bay Public School be requested to direct drivers to utilize the School Zone Safety (Kiss and Ride) lanes when dropping off or picking up students.
3. That the Transportation and Works Department be requested to review the placement of the No Stopping and No U-turn signs on the north side of Shelter Bay Road.

(TSC-0032-2012)  
(Ward 9)

TSC-0033-2012

1. That the request for a Crossing Guard at the intersection of Hillcrest Avenue and Confederation Parkway, for students attending Father Daniel Zanon Catholic School, 450 Hillcrest Avenue, be denied as the warrants have not been met.
2. That the Principal of Father Daniel Zanon Catholic School direct students to push the pedestrian button to activate the "walk phase" prior to crossing the intersection of Hillcrest Avenue and Confederation Parkway.

(TSC-0033-2012)  
(Ward 7)

TSC-0034-2012

1. That the email dated March 20, 2012, from Councillor Pat Saito, Ward 9, with respect to traffic congestion related to Plum Tree Park Public School, 6855 Tenth Line West, along Plum Tree Crescent be received.

- 
2. That the site inspection subcommittee of Traffic Safety Council be requested to conduct a site inspection to review traffic congestion along Plum Tree Crescent for students attending Plum Tree Park Public School, 6855 Tenth Line West.

(TSC-0034-2012)

(Ward 9)

TSC-0035-2012

That the School Zone Safety (Kiss and Ride) Report, for the month of March 2012, be received.

(TSC-0035-2012)

TSC-0036-2012

That the Peel District School Board be requested to do the following for students attending Mineola Public School, 145 Windy Oaks:

- a. Re-paint the School Zone Safety (Kiss and Ride) pavement markings and the bus drop off lane.
  
- b. Install Entry Only signs at the east driveway and No Entry signs at the south driveway to define separate entrance and exit driveways.

(TSC-0036-2012)

(Ward 1)

TSC-0037-2012

That the Peel Regional Police be requested to enforce traffic infractions in the vicinity of St. Gerard Catholic School, 1300 McBride Avenue, between 8:45 a.m. and 9:00 a.m.

(TSC-0037-2012)

(Ward 6)

TSC-0038-2012

That the Transportation and Works Department be requested to review the feasibility of installing No Parking signs along Dunrankin Drive, opposite to Dunrankin Public School, 3700 Dunrankin Drive.

(TSC-0038-2012)

(Ward 5)

TSC-0039-2012

That the Dismissal Report for the months of February and March 2012 be received for information.

(TSC-0039-2012)

TSC-0040-2012

That Parking Enforcement be requested to enforce parking infractions in front of Shelter Bay Public School, 6735 Shelter Bay Road, and at the pathway east of the school, between 3:05 p.m. and 3:30 p.m.

(TSC-0040-2012)

(Ward 9)

## TSC-0041-2012

1. That Parking Enforcement be requested to enforce parking infractions in front of Father Daniel Zanon Catholic School, 450 Hillcrest Avenue, between 3:15 p.m. and 3:40 p.m.
2. That the Walk to School Subcommittee of Traffic Safety Council be requested to consider Father Daniel Zanon Catholic School as a possible participant in the School Walking Routes Program.

(TSC-0041-2012)

(Ward 7)

## TSC-0042-2012

1. That the Peel District School Board be requested to paint the School Zone Safety (Kiss and Ride) with lane designations, directional arrows and stop bars in the spring of 2012 at Mineola Public School, 145 Windy Oaks.
2. That the Principal of Mineola Public School be requested to arrange for volunteers, to monitor the School Zone Safety (Kiss and Ride) during the dismissal period.

(TSC-0042-2012)

(Ward 1)

## TSC-0043-2012

That Parking enforcement be requested to enforce parking infractions in front of St. Raymond Public School, 5735 Whitehorn Avenue, between 2:45 p.m. and 3:10 p.m.

(TSC-0043-2012)

(Ward 6)

## TSC-0044-2012

1. That the Transportation and Works Department review the No Stopping and No Parking signs on Cobalt Street and Indian Road in the vicinity of St. Luke Catholic School, 1280 Cobalt Street.
2. That Parking Enforcement be requested to enforce parking infractions along Cobalt Street, in the vicinity of St. Luke Catholic School, between 2:45 p.m. and 3:10 p.m.

(TSC-0044-2012)

(Ward 2)

## TSC-0045-2012

1. That the Transportation and Works department review the signage along Mirage Place, Esprit Crescent and Patriot Drive in the vicinity of St. Gertrude Catholic School, 815 Ceremonial Drive.
2. That Parking Enforcement be requested to enforce parking infractions along Ceremonial Drive in front of St. Gertrude Catholic School between 2:45 p.m. and 3:10 p.m.

(TSC-0045-2012)

(Ward 5)

---

**TSC-0046-2012**

That the email dated March 21, 2012 from Sheelagh Duffin, Crossing Guard Supervisor, advising of various School Walking Routes program events and requesting that Traffic Safety Council members volunteer to attend the events be received.

(TSC-0046-2012)

**TSC-0047-2012**

That the minutes from the February 24, 2012 Public Information Subcommittee meeting be received.

(TSC-0047-2012)

**TSC-0048-2012**

1. That in 2012, Traffic Safety Council be requested to award the Wilde Wood School Zone Safety (Kiss and Ride) Award to one (1) school from the Dufferin – Peel Catholic District School Board and one (1) school from the Peel District School Board.
2. That the Public Information Subcommittee of Traffic Safety Council be requested to create the criteria and award process for an award to be presented by Traffic Safety Council for school zone safety including walking to school.
3. That the Budget subcommittee of Traffic Safety Council be requested to review the feasibility of amending the 2012 Traffic Safety Council Budget to increase the amount of award money that could be presented for the new School Zone Safety Award to be created by the Public Information Subcommittee of Traffic Safety Council.

(TSC-0048-2012)

**TSC-0049-2012**

That for identification purposes, Traffic Safety Council members be requested to display Official City Business signs on their vehicles when attending Traffic Safety Council site inspections.

(TSC-0049-2012)

**TSC-0050-2012**

That the minutes from the March 13, 2012 Public Information Subcommittee meeting be received.

(TSC-0050-2012)

**TSC-0051-2012**

That David Brown, Traffic Safety Council Chair, be nominated for the 2012 Dr. Arthur Wood Award.

(TSC-0051-2012)

**TSC-0052-2012**

That the minutes from the March 13, 2012 Peel District School Board Maintenance Meeting be received.

(TSC-0052-2012)

## TSC-0053-2012

That the memorandum from the Manager of Parking Enforcement reporting on parking enforcement in school zones for the month of February 2012 be received.

(TSC-0053-2012)

## TSC-0054-2012

That the email dated March 26, 2012, from Sheelagh Duffin, Crossing Guard Supervisor requesting the following be received and referred to the Site Inspection subcommittee of Traffic Safety Council to review and report back to Traffic Safety Council:

- a. Two site inspections to review the warrants for removing a Crossing Guard from the intersection of Confederation Parkway and Fairview Road, for students attending St. Philip Catholic School, 345 Fairview Road West and Fairview Public School, 3590 Joan Drive, Ward 7.
- b. Two site inspections to review the warrants for removing a Crossing Guard from the intersection of Rathburn Road and Willowbank Trail for students attending St. Vincent de Paul Catholic School, 665 Willowbank Trail, Ward 3.
- c. Two site inspections to review the warrants for removing a Crossing Guard from the intersection of Rathburn Road and Golden Orchard Drive for students attending St. Basil Catholic School, 4235 Golden Orchard Drive, Ward 3.

(TSC-0054-2012)

## TSC-0055-2012

That the April 2012 Traffic Safety Council site inspection calendar and site inspection packages be received.

(TSC-0055-2012)

## TSC-0056-2012

1. That the email dated March 23, 2012, from Soni Gill, Principal, Thorn Lodge Public School, with respect to issues related to the School Zone Safety (Kiss and Ride) at Thorn Lodge Public School, 2730 Thorn Lodge Drive be received.
2. That the Site Inspection subcommittee of Traffic Safety Council be requested to conduct a site inspection in front of Thorn Lodge Public School and report back to Traffic Safety Council.

(TSC-0056-2012)

(Ward 2)

## TSC-0057-2012

That the report dated January 2012 from the Transportation and Works Department advising of the actions taken regarding recommendations from Traffic Safety Council be received.

(TSC-0057-2012)

## TSC-0058-2012

1. That the letter dated March 28, 2012 from Tom Howe, Manager, Student Transportation of Peel Region, with respect to bussing for students attending Queenston Drive Public School, 3520 Queenston Drive, be received.
2. That the Site Inspection subcommittee of Traffic Safety Council be requested to conduct a site inspection to review pedestrian safety at the intersection of Burnhamthorpe Road and Creditview Road/ Central Parkway and along the school walking route from the area of Burnhamthorpe Road and Creditview Road to Queenston Drive Public School for students attending Queenston Drive Public School, 3520 Queenston Drive.

(TSC-0058-2012)

## TSC-0059-2012

That Louise Goegan, Boris Swedak and Peter Westbrook, citizen members of Traffic Safety Council, be authorized to attend the 62nd Annual Ontario Traffic Conference Convention in Ottawa, June 3 – 5, 2012 and that an amount be allocated in the 2012 Traffic Safety Council budget to cover the cost of expenses to attend this event.

(TSC-0059-2012)